

our national needs, with something left over. We should keep this longer-range prospect of prosperity clearly in mind whenever we can consider next year's budgetary outlook.

Now what can we do during the coming year to facilitate the achievement of our basic economic goals as our economy recovers and our output increases?

First, we must avoid price increases so that those who live on fixed incomes will not be penalized. This will require a high order of self-restraint on the part of both labor and management with wage increases geared to increases in productivity.

Second, we must make a great and continuing effort to reduce unemployment to a tolerable figure—4 percent is the current goal. A modest and noninflationary deficit such as we foresee for next year will contribute to this end. In addition we should mount a coordinated attack on structural unemployment by enacting the President's proposals, including an expanded training program.

Finally, we should use the respite given us by the present recovery to overhaul and strengthen the mechanism of our "automatic stabilizers" so that future recessions may be

milder and shorter than any we have so far experienced. The fact that we have twice had to enact temporary unemployment compensation measures clearly indicates that our permanent legislation to help the jobless should be overhauled and strengthened. This should be done not only for the benefit of future unemployed, but in the interest of overall economic stability.

If we do these things we can look forward to a period of unmatched prosperity—prosperity that will give us the strength we shall need to face the worldwide challenges of the sixties.

HOUSE OF REPRESENTATIVES

MONDAY, JULY 3, 1961

The House met at 12 o'clock noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALBERT). The Clerk will read the following communication.

The Clerk read as follows:

JULY 3, 1961.

I hereby designate the Honorable CARL ALBERT to act as Speaker pro tempore today.

SAM RAYBURN,
Speaker of the House
of Representatives.

PRAYER

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The words inscribed on our Liberty Bell: *Leviticus 25: 10: Proclaim Liberty throughout all the land, unto all the inhabitants thereof.*

Eternal and ever-blessed God, who art always seeking to draw us within the circuit and compass of Thy divine fellowship, we rejoice that Thou hast made our beloved country the beneficiary of Thy bountiful providence.

Grant that our hearts may expand with the spirit of pride and patriotism as we commemorate that great day in the calendar of our national history which we call Independence Day.

Inspire us with gratitude and renewed consecration as we go up and down the courts of memory and call to mind those intrepid patriots and heroes of the 18th century whose indomitable faith and fortitude made the dream of liberty a glorious reality.

May we highly resolve on this day of sacred memory that we will dedicate and devote ourselves to the God-ordained task of releasing the hidden splendor of humanity and hastening the dawning of that time when all nations shall live together as a commonwealth of freemen, enjoying a peace that is honorable, just, and righteous.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, June 29, 1961, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1258. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, as amended, to provide increased benefits in case of disabling injuries, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which concurrence of the House is requested:

S. 29. An act for the relief of Ok Nyu Choi (Ann Wollmar);

S. 149. An act for the relief of the estate of Gregory J. Kessenich;

S. 207. An act for the relief of Jean Goedicke;

S. 245. An act for the relief of Kam Yung (Lee) Chong;

S. 270. An act for the relief of Mrs. Jeliza Prendic Milenovic;

S. 464. An act granting the consent of the Congress to interstate compacts for the development or operation of library facilities and services;

S. 489. An act for the relief of Dellarose J. Dowler;

S. 680. An act to authorize the Secretary of Commerce to utilize funds received from State and local governments and private organizations and individuals for special meteorological services;

S. 731. An act for the relief of Charles F. Tjaden;

S. 1450. An act for the relief of Shim Dong Nyu (Kim Christine May);

S. 1698. An act for the relief of Athena Nicholas Euteriadou; and

S. 1990. An act to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communication facilities.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2154. An act to amend Public Law 85-626, as amended by Public Law 86-542, relating to dual rate contract agreements.

The message also announced that Senate Resolution 143, disapproving Reorganization Plan No. 3 of 1961, transmitted to Congress by the President on May 3, 1961, failed in passage.

The message also announced that Senate Resolution 147, disapproving Reorganization Plan No. 4 of 1961, transmitted to Congress by the President on May 9, 1961, failed in passage.

HOUSE BILLS ENROLLED

Mr. BURLESON, from the Committee on House Administration, announced that that Committee had examined and found truly enrolled bills of the House of the following titles:

H.R. 1575. An act for the relief of Mrs. Anneliese Franziska Guay;

H.R. 1602. An act for the relief of Ido Enrico Cassandro;

H.R. 1887. An act for the relief of Helen Tilford Lowery;

H.R. 2155. An act for the relief of Reoko Kawaguchi Moore;

H.R. 2156. An act for the relief of Mrs. Tui Hing Tow Woo;

H.R. 2165. An act for the relief of Marie F. Balish;

H.R. 2835. An act for the relief of Jose Lauchengco, Jr.;

H.R. 3371. An act for the relief of George Sauter (also known as Georgios Makkas);

H.R. 3722. An act for the relief of Maria Czyn Krupa;

H.R. 4636. An act for the relief of Ralph B. Cleveland; and

H.R. 4796. An act for the relief of Richard A. Hartman.

ENROLLED BILLS SIGNED BY THE SPEAKER

The SPEAKER pro tempore. The Chair desires to announce that pursuant to the authority granted the Speaker on Thursday, June 29, 1961, he did on June 30, 1961, sign the following enrolled bills of the Senate:

S. 1748. An act to provide for the increased distribution of the CONGRESSIONAL RECORD to the Federal Judiciary;

S. 1922. An act to assist in the provision of housing for moderate and low income families, to promote orderly urban development, to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes;

S. 2083. An act to correct a technical inaccuracy in the act of May 19, 1961 (Public Law 87-36); and

S. 2154. An act to amend Public Law 85-626, as amended by Public Law 86-542, relating to dual rate contract agreements.

And the following enrolled bills of the House:

H.R. 1575. An act for the relief of Mrs. Anneliese Franziska Guay;

H.R. 1602. An act for the relief of Ido Enrico Cassandro;

H.R. 1887. An act for the relief of Helen Tilford Lowery;

H.R. 2155. An act for the relief of Reoko Kawaguchi Moore;

H.R. 2156. An act for the relief of Mrs. Tui Hing Tow Woo;

H.R. 2165. An act for the relief of Marie F. Balish;

H.R. 2835. An act for the relief of Jose Lauchengco, Jr.
 H.R. 3371. An act for the relief of George Sauter (also known as Georgios Makkas);
 H.R. 3722. An act for the relief of Maria Czyn Krupa;
 H.R. 4636. An act for the relief of Ralph B. Cleveland; and
 H.R. 4796. An act for the relief of Richard A. Hartman.

APPROVED WORK PLANS APPROVED BY COMMITTEE ON PUBLIC WORKS

The SPEAKER pro tempore laid before the House the following letter, which was read and, with accompanying papers, referred to the Committee on Appropriations.

JUNE 28, 1961.

HON. SAM RAYBURN,
The Speaker, House of Representatives,
 Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involved are:

State	Watershed	Executive Committee No.	Committee approval
Arizona...	Magma.....	931	June 28, 1961
Arkansas...	Muddy Ford of Illinois River.....	931	Do.
Georgia...	Bull Creek.....	931	Do.
Illinois...	Seven Mile Creek.....	931	Do.
Kansas...	Fall River.....	931	Do.
Louisiana...	Bayou Rapides.....	931	Do.
Texas...	Camp Rice Arroyo.....	931	Do.
Do.....	Lower Plum Creek.....	931	Do.

Sincerely yours,
 CHARLES A. BUCKLEY,
Member of Congress; Chairman, Committee on Public Works.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the House Committee on the District of Columbia may have until midnight Thursday to file certain reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROPOSAL FOR A U.S. DISARMAMENT AGENCY

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the proposal for a U.S. Disarmament Agency is new evidence of uncertainty and confusion in our foreign policy.

On one hand, we appropriate an unprecedented sum for military forces to meet the Communist menace, and warn

of the impending crisis—perhaps war—over Berlin.

On the other, we talk of disarmament and refrain from testing our nuclear weapons.

Disarmament is unthinkable today. If we concluded an agreement with Russia for disarmament or nuclear-test control, what would it be worth? We should have learned long ago that agreements mean nothing to the Communists. Words are weapons, to be used in whatever manner suits Communists' purposes. The Communists will sign an agreement for disarmament or nuclear-test control only when they have a sure-fire way to beat that agreement.

Creation of a Disarmament Agency would bring false hope to those who long for the day when mankind can safely beat swords into plowshares and spears into pruning hooks. That day is not yet here, and indeed cannot be seen even on the distant horizon.

CONGRESSIONAL FLAGS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, I received this morning a communication from a woman in the free State of Maryland, which reads as follows:

We think all Congressmen should fly
 Their flags like admirals do,
 And maybe wear a uniform
 Like generals do, too.
 Thus, with a tasteful tunic
 Colored, say, red, white, and blue
 It might, indeed, keep sentries
 From shooting up a few.

Then if this worthy imagery
 Should not make all aware
 Of what is what and who is who
 Within our country fair,
 We might include a likeness
 Of Federal Father there,
 In lower corner rampant,
 Enjoying ride and air,
 Dispensing billions by the bale,
 Ensnored in rocking chair.

THE LATE ERNEST HEMINGWAY

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include articles.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I rise to pay tribute to a distinguished American writer whose death yesterday, the 2d of July, is the occasion for mourning on the part not only of many Americans but of many persons throughout the world. I refer, of course, to the great American novelist and short story writer, Ernest Hemingway, who died in Ketchum, Idaho, on Sunday of a gunshot wound.

Ernest Hemingway was one of the outstanding writers of the 20th century. His novels and short stories, marked by a spare and limpid prose style, had a profound impact on the writing of the English language. As Archibald MacLeish said yesterday:

He was a master of English prose, the great stylist of his generation.

A man of great physical vigor, Hemingway's works were characterized by a preoccupation with violence and death. He sought however to represent the courage and character of man confronted with the sometimes brutal forces of nature.

In 1953, Mr. Hemingway was awarded the Nobel Prize for his short novel "The Old Man and the Sea." Yet he was probably better known for his three earlier novels, "A Farewell to Arms," "The Sun Also Rises," and "For Whom the Bell Tolls."

Few American writers have had such a wide influence in other countries. The English critic, Cyril Connolly, observed yesterday:

I think Hemingway was one of the half-dozen greatest living writers, a Titan of the age we live in. I put him with Joyce, Eliot, and Yeats among the real founders of what is called the modern movement in writing.

Mr. Speaker, the American people have lost a giant figure in the death of Ernest Hemingway. We have not lost his books and many others will read them for years to come.

AUTHORS, CRITICS PAY TRIBUTE TO HEMINGWAY

Mr. Speaker, at this point in the RECORD I include an essay on Ernest Hemingway by Charles Poore, of the New York Times:

BOOKS: HEMINGWAY
 (By Charles Poore)

"Prose is architecture, not interior decoration," Hemingway once said, "and the baroque is over."

In a way lucky for him, the baroque was not over. Against its weary, ornamented excesses the spareness of his style stood out. With that style he did something to change the course of storytelling in our century.

If it was a simple style it had the simplicity of a Bach fugue or a landscape by Cézanne. The thousand and one writers who—consciously or unconsciously—imitated its elements found that out. Or were found out, way over in left field, by their peers and voluntary counselors.

None could quite catch his harmonies and cadences. Others wrote pages spattered with three-word sentence dialogs. Their pages fell apart.

And when they also tried to share the wealth of his material they usually achieved something not so much like Hemingway as like the peculiar movie and television versions of his stories, which achieved only one unity. The unity of being flawlessly miscast.

He stands now, with William Butler Yeats and James Joyce, as one of the three most influential writers of an era.

AN ENDURING METEOR

He appeared in the sky of our literature like a meteor—and then stayed there. A strange way for a meteor to act. Yet as each book appeared, savants dutifully issued final announcements that he was burned out. The Nobel Prize judges apparently believed those announcements until they read "The Old Man and the Sea."

He was sustained as effectively by his enemies as by his friends. The millions who enjoyed his stories were not particularly troubled by his skill in writing about violence. They had probably noticed that the world around them was generally in a state of considerable turmoil and that he found patterns of significance in its embroilments. Also, he created some heroines who brought about vicarious fatalities of the heart.

Those who candidly deplored Hemingway and all his works sacrificed awesome amounts of time to the documentation of their disapproval. They seemed to have read every word he wrote. Since no statute required them to do so, one wondered where they found marginal leisure to enjoy authors they wholeheartedly admired.

PAVING STONES TO HONORS

Nor should we disdain his parodists. After all, their splendid lampoons added paving stones to the road toward the Nobel Prize, even if those paving stones were delivered by air.

There is an unassailable mythology about any writer's themes and characters. In Hemingway's case the salient idea is that he wrote about big-gamesters, pugs, thugs, girls with long legs and tawny hair, soldiers of fortune and misfortune.

And that's right, isn't it? Anyone who ventures to point out, say, that in civilian life the hero of "A Farewell to Arms" was an architectural student, or that the hero of "For Whom the Bell Tolls" was a school-teacher, or that the hero of "The Sun Also Rises" was a working newspaperman with an editor barking at him through the other end of a cable, must be guilty of some sort of weakness for obnoxious irrelevance.

Hemingway was no dove for the literary coteries, but he was a gregarious man. He had more friends than any other writer of his stature, in more astonishingly varied circles, from Africa to Montana, from Key West to New York to Madrid, Paris and the Venetian Plain.

SCORNFUL OF THE HERDERS

He was aware that many wanted him to settle down and cultivate the suburbanities. Once he wrote a parody of the clucking intellectual herdsmen of literary nationalism. It was spoken by a fishing-trip companion to Jake Barnes, the hero of "The Sun Also Rises."

"You're an expatriate," the man tells Jake. "You've lost touch with the soil. You get precious. Fake European standards have ruined you. You drink yourself to death. You become obsessed by sex. You spend all your time talking, not working. You're an expatriate, see? You hang around cafes."

Hemingway wrote that more than a dozen years too soon. In due course, events at Pearl Harbor and elsewhere would enable uprooted multitudes of Americans in uniform to find necessity's most bitter expatriation.

One of Hemingway's friends was Bernard Berenson, connoisseur of life in art, art in life, who called "The Old Man and the Sea"—"an idyll of the sea as sea, as un-Byronic and un-Melvilian as Homer himself, and communicated in a prose as calm and compelling as Homer's verse. No real artist symbolizes or allegorizes—and Hemingway is a true artist—but every real work of art exhales symbols and allegories."

A hatful of pedants will find new allegories, new symbols, in Hemingway, year after year after year. They will be able to do that the more easily because the books will live on.

NOVELIST HAILED AS GREAT STYLIST

Mr. Speaker, I should like also to include a series of tributes paid to Ernest Hemingway by a number of writers as

reported in the New York Times of July 3, 1961:

NOVELIST HAILED AS "GREAT STYLIST"—LITERARY WORLD PAYS TRIBUTE TO HEMINGWAY AS "MASTER"

Archibald MacLeish, poet and playwright: "He was a master of English prose, the great stylist of his generation. He had an English idiom of his own which imposed itself by its own validity on his contemporaries. Like all true idioms it was an idiom of the human spirit, not of the language alone. Writers in other tongues were influenced almost as much as those who wrote in English. Hemingway felt the pulse of the time and gave it an equivalent in words."

Lionel Trilling, critic and professor of English at Columbia University: "His place in American literature is secure and pre-eminent. There is no one in the whole range of literature of the modern world who has a better claim than he to be acknowledged as a master, but it is in his short stories rather than in his novels that his genius most truly and surely showed itself."

Alfred Kazin, author and critic: "Probably no other American writer of our time has set such a stamp on modern literature. Hemingway was one of our true poets. He gave a whole new dimension to English prose by making it almost as exact as poetry, by making every word sound, by reaching for those places of the imagination where the word and the object are one."

James Thurber, author and playwright: "Hemingway was unquestionably one of the greatest writers of the century. It was once said accurately of him that his contribution to literature was a certain clarification of the English language. Of himself, he once said, 'The thing to do is last and get your work done.' I met him only once, and we went over to Tim Costello's and had a wonderful time and became brothers."

John Dos Passos, author: "He was one of the best of our time. I believe his original short stories will certainly last. He was a great stylist and a magnificent writer. I am sure that all of his work that I have read will stand up. He was, indeed, a magnificent writer and his contributions were large."

Van Wyck Brooks, author and literary historian, chancellor of the American Academy of Arts and Letters: "His destiny has been to symbolize an age of unparalleled violence as no other American has symbolized it. He was in his way a typical American, and there was something permanently adolescent about him that stood for certain immaturity in the American mind. He was a 20th-century Mark Twain, as he was also a 20th-century Byron, but he was unquestionably a great writer, a great artist in prose, the inventor of a style that has influenced other writers more than any other in our time."

Lillian Hellman, playwright: "He was a wonderful writer. I read proof on his first book when I was a 20-year-old at Horace Liveright [the publishing house]. 'In Our Time,' his first collection of short stories, came in as a manuscript, and I remember the great joy of taking it home that first night. I still think it was his best book."

Gerard Bauer, secretary general of the Goncourt Academy: "He represented the American novel in its most vivid form of action. I found his talent corresponded better than that of Faulkner to an America that is always on the road of action and discovery."

Oliver LaFarge, novelist: "The use of English without elaboration, the directness of statement, the clarity of his prose liberated me of an attempt to write in a literary manner. I think his more recent writing fell off badly, but I think he will stand as one of the very great short-story writers,

and one of the great novelists. His use of dialog to tell a story was absolutely extraordinary."

Tennessee Williams, playwright: "To begin with a somewhat obvious statement, 20th century literature began with Proust's 'The Remembrance of Things Past,' and with Hemingway's 'The Sun Also Rises,' since literary history has already established the fact that Joyce was not and never was meant to be an artist with a comparably wide audience. Hemingway never retired from his life into his workshop. He knew that an artist's work, the heart of it, is finally himself and his life, and he accomplished as few artists that have lived in our time, or any, the almost impossibly difficult achievement of becoming, as a man, in the sight of the world and time he lived in, the embodiment of what his work meant on its highest and most honest level, and it would seem that he continued this achievement until his moment of death, which he would undoubtedly call his moment of truth, in all truth."

J. B. Priestley, British novelist and playwright: "Hemingway had a tremendous influence on writers all over the world, and on the whole it was a good influence. He was a subtle writer with the ability to put his message over in a simple way. Mind you, I didn't always agree with his work."

Cyril Connolly, British author and critic: "I think Hemingway was one of the half-dozen greatest living writers, a titan of the age we live in. I put him with Joyce Eliot and Yeats among the real founders of what is called the modern movement in writing. I think he still had a great deal to say."

Walter Allen, British critic and editor: "I think Hemingway was a great but a limited writer. It seems to me that his best work was done within his first 10 years as a writer and I mean by that his first three volumes of short stories and the novels, 'Fiesta,' and 'A Farewell to Arms,' within their limits are almost perfect. His tragedy as a writer, it seems to me, was that he was unable to accommodate his genuinely heroic vision of man to modern urban society."

Carl Sandburg, poet and biographer: "He was a writer who profoundly influenced style in America in the novel and the short story. He got a style going among many fellows using short words. He had no stock heroes. He chose his own order of people to love. His was a peculiar wisdom, sometimes a little bit flagrant, but his own."

V. S. Pritchett, author and critic: "The thing that strikes me most in looking back over his writings was that he revived the vernacular tradition and this was a most important contribution to Anglo-American literature. He reintroduced speech as a way of conveying stories. The only writer we had at all like him was Kipling. His influence on the short story was enormous, wherever you go, whether in India, the Middle East or elsewhere, you find that the young writers have read his short stories and are trying to imitate him."

C. P. Snow, British novelist: "He was a great original artist whose influence has spread all over the world. No novelist in the world has produced such a direct effect on other people's writing."

Harvey Breit, critic and playwright: "He once told me he was working in a new mathematics, and I was skeptical. I thought that even great and simple men delude themselves. But it turned out he was working in it. He had staked out a unique terrain. Over and beyond the battle cries that meant so much to so many of us, over and beyond his categorical imperatives of 'nada' and 'courage' and the struggle to last, to hold out, to be just, to love a good friend, and put down a bad enemy, over and beyond all these consistent truths in his work, he had

found a language. It was more than an ear that recorded; it was a marvelous medium, immutable, through which all his experience passed, and an essence of truth resulted. He was a poet, really a poet, through his prose."

DISARMAMENT AGENCY BILL

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may extend her remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, there is a widely accepted myth in this country to the effect that disarmament and national strength are contradictory policies. Those who have a vested interest in the continuation of the armaments race have been only too happy to further the public acceptance of this notion. As President Eisenhower pointed out in his farewell address to the American people, there is a grave danger of American policy being influenced by a military-industrial-political clique in directions which could well be contrary to those intended by our President, by the Congress, and by the American people. In a recent article Marquis Childs pointed to the method in which the efforts of the President, and his associates, Arthur Dean and John J. McCloy, have been undercut by this very same clique. He wrote:

WHY MR. DEAN CAME TO GENEVA

(By Marquis Childs)

GENEVA.—Recently Arthur Dean got a telephone call from a friend in New York. The friend, head of a large advertising agency, began by insisting that the nuclear test ban talks which Dean is conducting for the United States be broken off at once and ended by berating Dean for squandering the taxpayers' money in such a wrongheaded endeavor.

It happens that Dean is serving without pay and without an expense allowance, as he has on his Government assignments under both the Eisenhower and Kennedy administrations. He was disturbed and at first somewhat puzzled by his friend's intense feeling on the subject of nuclear tests. But it developed that along with 200 other advertising executives he had been brought to Washington by the Air Force for an indoctrination in the need to improve America's nuclear weaponry.

The Air Force, the munitions industry, certain highly influential scientists, along with other elements in the Pentagon, are pressing President Kennedy either to break off the talks or to announce that while they go on, the United States will, nevertheless, start testing again. In his commonsense, reasonable fashion Dean argues the case for going on with what he believes to be a supremely important endeavor—that Russia will gain far more than the United States if both powers start testing again; that the U.S. arsenal already contains $2\frac{1}{2}$ times the volume to destroy the Communist half of the world; that world opinion must be convinced the United States will go the whole way to get a test ban with workable guarantees.

When Dean and John J. McCloy, the President's adviser on disarmament, went through a long briefing preliminary to tak-

ing on their respective jobs, one of the proposals for the new wave of nuclear armament to be achieved with resumed testing was unveiled for them. In its fantastic science-fiction quality it has lived vividly in Dean's mind as he has persistently and patiently, day after day, put the Western case for a controlled test ban up to the intractable Soviets. In oversimplified form the concept is as follows:

A megaton (equivalent to 1 million tons of TNT) nuclear warhead can by testing be reduced from 200 pounds to 35 pounds. Consequently, the missile to carry it can be greatly reduced in firepower and in size.

These small warheads and smaller missiles capable of reaching targets in the Soviet Union can be mounted on specially built trucks. They can be manned by a lieutenant and a sergeant. Up to 50,000 of these missile-equipped trucks would be kept crisscrossing the United States night and day on a rotating basis. This would insure that at all times a sufficient retaliatory striking power would escape destruction from a first strike by the Soviets.

The principal author, as he is also the principal protagonist of starting new tests, is Edward Teller. The distinguished physicist who is credited with much of the original work on the hydrogen bomb has argued before one top-secret forum after another with his remarkable zeal and persuasiveness for this concept which he believes to be essential to America's security.

What if the Hungarian freedom fighters had had this 35-pound warhead, Teller argues, think of the difference it would have made. Teller himself is a refugee from Hungary.

To some of his listeners it appeared that the result would have been to blow up the freedom fighters along with most of Hungary and perhaps also to have launched an all-out nuclear war. Skeptics such as Dean point to the greatly increased danger in putting nuclear missiles under the control of an ever larger number of individuals who might be erratic enough under certain circumstances to set one off. The chances of an accident—several near accidents of catastrophic scale are said to have been kept from public knowledge—would be increased by a geometric ratio.

Yet the Teller concept is said to have won over a considerable segment of the Air Force along with other military protagonists of renewed testing. The Air Force finances the Rand Corp. which pays scientists and triple-dome thinkers far above Government salaries and much of their recent work has supported the view that a nuclear war is perhaps inevitable and that the United States can sustain an attack and recover within a given number of decades from a million of casualties.

In this city where diplomacy, hotelkeeping, and watchmaking are the principal industries many conferences are always in progress. But in the marathon conference on nuclear testing the stakes are highest of all.

Because of the dangers to which Mr. Childs points, because of the excellent point which President Eisenhower made in his farewell address, and, above all, because of the compelling points made in President Kennedy's letter of June 29, it seems to me particularly appropriate and particularly encouraging that so many Members of the House have joined in the sponsorship of the administration's bill for the establishment of a Disarmament Agency for World Peace and Security. I have today introduced a companion bill to the bill introduced on Thursday by the distinguished chair-

man of the Foreign Affairs Committee, Dr. MORGAN, and by 48 other Members of this House. It is my hope that the Foreign Affairs Committee, so many members of which, both Democrats and Republicans, are cosponsors of this bill, will soon schedule hearings and executive consideration so that the House may have an opportunity to act upon this legislation.

Most Members of this House, Mr. Speaker, very naturally look upon the major bills before their own committees as being of primary importance. As a member of the Education and Labor Committee, I am, of course, deeply concerned over the fate of the education bills which that committee has been working on, and I naturally consider those bills to be very important criteria as to the success of the session. But I must state that, however important I consider education legislation to be, I consider this Disarmament Agency bill to be of even greater urgency.

The American people—and all of mankind—face today a situation for which history holds no parallel. In the past an armaments race has often led to war. But never in the past has humanity faced a situation in which a war between two major powers could result in the literal extinction of both those powers and the highly probable extinction of most of the rest of mankind. In a thermonuclear war today, no nation, no continent can remain unaffected. No people can decide to remain aloof from the idiocy of a thermonuclear struggle. No hiding place can be found, Mr. Speaker. As the stockpiles of H-bombs and other incredible weapons grow, there grows with them the incontestable certainty that there is no sane alternative to disarmament and to peace.

Obviously, we shall have to continue to arm ourselves and to remain on guard against the threats to freedom and to civilization which are posed by the enemies of freedom. Apparently, we shall have to continue for some time to devote well over half of our national budget to the arts of death and destruction. But certainly, at the same time, we can and we must devote imagination, energy, and dedication to the task of seeking ways and means of disarming. We cannot shrug off the hard and often unrewarding chore of exploring every possible avenue of arriving at an enforceable multilateral disarmament agreement. The creation of a top-level agency, of the sort envisaged in this administration proposal, bringing together all the talents and all the authority needed for this task, may well be the most important single thing this 87th Congress can do.

THE AMERICAN FLAG

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 15 minutes.

Mr. PUCINSKI. Mr. Speaker, tomorrow the Nation will observe the 185th anniversary of our Independence Day. Indeed, there is very little that I could

add on the subject of Independence Day to the very inspiring and dramatic words of our chaplain delivered earlier today in opening our session.

However, there is one thing that I would like to comment on. It seems that July 4 nowadays has become merely a symbol of exodus to the country, to the resorts; and for all the other things that people do in their leisure time, while the original meaning of Independence Day has somewhat been submerged in the long lines of traffic on our highways and the dire predictions of the National Safety Council that in excess of 400 people are going to be killed on the highways.

During the past few months, I have received a considerable amount of mail from well-meaning constituents, and I am sure this is true of all my colleagues, good Americans, who ask me what can they do? Our constituents know that the world is in dire trouble. They know also that the enemies of freedom are gaining ground; that the survival of liberty against the threat of communism is faced with its greatest challenge. And so, well-meaning Americans frequently write to us here in the Congress and say: "What can I do as one American?"

I should like today, on the eve of our Fourth of July observance, make one appeal that every American can respond to very easily. I know that there are great debates on what we can do. The President has outlined a program on what he thinks every American can do. Spokesmen for the minority party have outlined their recommendations, and we here in Congress frequently discuss what each American can do. The suggestions are varied. But one thing that I believe every American can do tomorrow without any difficulty and without really any great sacrifice is to display the American flag.

It is becoming increasingly lamentable when you drive through the cities and villages and the countryside of America on the 4th of July to see the complete absence of the American flag being displayed except on public buildings. It is my belief that if the American people would go back to the old habit of displaying with pride the American flag; reminding their children what that flag stands for; devote one moment of meditation over the full significance of that flag, the entire national purpose of America would become abundantly clear. Here in the American flag—the symbol of our independence and democracy—is contained everything that free people all over the world strive for and wish for and that we Americans have and take so tragically for granted.

We wonder why it seems to be slipping away from us. It is slipping away only because we forget the great struggle, the great sacrifice, the great effort that has been made by the people who made the American flag possible today. It is tragic that countless millions of Americans are so busy in packing their lunch baskets and picnic baskets, preparing their fishing tackle, and all the other things necessary for a delightful holiday weekend

that they completely overlook the fact that tomorrow is Independence Day; that it means what it says, independence; that a nation must rededicate itself if that independence is to survive and to be preserved.

If the American people tomorrow, by this very simple act, would display the flag, I think that in one single gesture they could do much to rekindle the spirit which during the past 185 years has made this the greatest nation in the world.

As I stand in the well speaking about the American flag I am confident that there will be those in our country who will say this is flag waving. There is a sophisticated element in America who over the years have tried in some way degrade and ridicule those who would try to spell out the full meaning of the American flag. The phrase "flag waver" has become a connotation of something that is not quite proper; something that is not quite right; something not quite real. When a man gets up and gives a speech on the depth and meaning of the American flag, you frequently hear people say he is a flag waver, as if it was bad and inherently wrong, from time to time, to remind Americans that a nation without a symbol cannot survive.

Perhaps the real answer in these troubled times is to have more flag wavers. All Americans ought to be flag wavers, provided they understand the depths of democracy and liberty and freedom and tolerance which our flag symbolizes and are willing to unequivocally practice the meaning of these rights symbolized by the flag they are waving.

Democracy takes a great deal of understanding. We here in this Congress legislate every day, and I am sure that there are many people who disagree with the actions we take, simply because too often they do not understand the full depth of the legislation we enact. To survive, democracy needs understanding, tolerance, respect for each other, and above all, a willingness to make sacrifices.

I, for one, am confident our country will survive the present crisis as it has survived other crises. But we will survive only if we are resolute in our dedication to the traditions of freedom carved out by those men whose sacrifice in defense of independence we observe tomorrow. I am confident that when we place on the balance the principles that we Americans stand for, as symbolized by the American flag, against the Communist symbol and the despotism it represents, the scales of world opinion will tilt in favor of America and freedom. This will come to pass only if the American people understand what freedom really means. I hope tomorrow will bring about a revival of understanding of the depth and meaning of American Independence Day. Displaying the American flag on the Fourth of July can go a long way toward helping attain such a revival of spirit.

Thank you.

W. W. LYNCH, OUTSTANDING TEXAS CITIZEN, HONORED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, one of Texas—as well as the Nation's—outstanding business leaders, W. W. Lynch, president of the Texas Power & Light Co., of Dallas, has recently received a great honor by his election as vice president of the Edison Electric Institute.

As a Member of Congress from the First Congressional District of Texas—a large part of which is served by the Texas Power & Light Co.—I have a deep appreciation of this company and W. W. Lynch, in particular.

In the early days of World War II, it was through the efforts of Mr. John W. Carpenter, president of the company at that time, and W. W. Lynch, vice president of the company at that time, that we were able to use the information, knowledge, and research of the Texas Power & Light Co., and these two great officials in convincing the President of the United States, the War Production Board, and other officials of the need of a steel mill in our section of the country and, thereby, receive the support that was necessary to make such a steel mill possible. I refer to the Lone Star Steel Co., of Lone Star, Tex. The Texas Power & Light Co. possessed the basic information—based upon research which had been obtained at considerable expense to the company—that was adequate to prove the existence of large ore bodies from which iron and steel could be produced economically and the existence of manganese and coking coal sufficiently nearby to make such a project a success.

I am justified in stating that without the efforts of the officials of this company Lone Star Steel would not, in all probability, have come into existence. W. W. Lynch was executive vice president of the Lone Star Steel Co. in the early pioneering days and made a great contribution toward its success.

In addition, the Campbell Soup Co., at Paris, Tex., in all probability, would never have been attracted to our area of the country without the sincere efforts of W. W. Lynch.

Texas Power & Light Co. for many years has sponsored extensive research in the development of Texas lignite as a low-cost fuel for production of electric power and as a latent natural resource for further industrialization of Texas. W. W. Lynch approached officials of the Aluminum Co. of America with a plan whereby his company would make available to Alcoa its wide experience with lignite, certain Milam County lignite

reserves, the newly developed Parry process for drying lignite, and would act as agent in building and operating a powerplant fueled by lignite to operate an aluminum plant. Alcoa became interested and, as a result, built the large aluminum plant now in Milam County, an industry that has been a tremendous boost for the economy of that central Texas area.

I doubt that there is a city or town that is served by Texas Power & Light Co. that has not received substantial help and assistance from this company, in addition to the regular and customary service. There are many industries in our district today, in towns and cities, served by the Texas Power & Light Co. that are employing hundreds and thousands of people in aggregate that would not be there had it not been for the intelligent efforts and generosity of W. W. Lynch and the Texas Power & Light Co.

The Edison Electric Institute is to be congratulated for recognizing one of America's really great business and industrial leaders in the selection of W. W. Lynch as its vice president.

A recent issue of the Paris News, Paris, Tex., carried the following statement concerning Mr. Lynch's election:

W. W. Lynch, president of Texas Power & Light Co., Wednesday was elected vice president of Edison Electric Institute, the trade association of the Nation's investor-owned electric utility companies at the association's 29th annual convention at New York City.

After graduation from Texas A. & M. College in 1922, Lynch spent a year and a half with Westinghouse Electric Manufacturing Co., Pittsburgh, Pa. In 1923, he came to Texas Power & Light Co., where he served successively as design assistant, field electrician and foreman, and superintendent of distribution before he was elected vice president of the company in 1936. He was named executive vice president in 1947, and became president in 1949.

Lynch has been director and a member of the Edison Electric Institute and a member of its executive committee. He is vice president, director, and a member of the executive committee of Texas Utilities Co.

In 1952, Lynch was named engineer of the year by the Dallas chapter of the Texas Society of Professional Engineers. Under his leadership Texas Power & Light Co. in 1955 received the electric industry's highest honor, the Charles A. Coffin Award, "in recognition of its distinguished contribution during the year 1954 to the development of electric light and power for the convenience of the public and the benefit of the industry."

Well known in Texas industrial, agricultural, and civic circles, Mr. Lynch is a director and a member of the directors committee of Republic National Bank of Dallas; a director and member of the executive committee of Employers National Insurance Co., Texas Employers Insurance Association, and Employers Casualty Co., and president of Insurance Building Corp. He is a director of Employers National Life Insurance Co., Dallas Citizens' Council, Trinity River Authority, and State Fair of Texas. He is a member of the regional executive committee of region No. 9, Boy Scouts of America; a trustee of the Texas A. & M. Research Foundation of Renner, Tex.; of Southwestern Medical Foundation; and a member of the advisory committee of the University of Dallas.

Another more recent honor which has come to W. W. Lynch is his being named president of the Texas Research Foundation.

PUBLIC TO BE ADVISED ON PROPOSED CONSENT DECREES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, committees of the Congress for a period of several years have heard testimony and received other evidence demonstrating a serious defect in procedures respecting the settlement of Federal antitrust cases by consent. This defect stemmed from the secrecy which has surrounded the settlement of antitrust cases. The secrecy in the handling of these cases attached not only to the negotiations, but, also, to the agreed upon orders and decrees. The terms and conditions of such consent orders and decrees under the policy for secrecy were not made known until after the Federal Trade Commission or the courts had given their final approval. At that point, the consent orders and consent decrees become binding contracts and, as a rule, cannot be modified. Thus, no opportunity under this policy of secrecy was afforded persons who may be affected by such judgments and who were not named as parties to the actions, to express their comments or views.

In view of these circumstances, the policy for secrecy produced consent orders and consent decrees in the settlement of Federal antitrust cases which were sharply criticized as containing serious defects. The A.T. & T. consent decree of 1956 is a striking example. As a result, Members of Congress introduced bills which would require advance notice of proposed consent judgments for a period of 30 days prior to approval and finalization. Members of the House Small Business Committee, including the gentleman from California [Mr. ROOSEVELT] and the gentleman from New York [Mr. MULLEN], have introduced bills of that kind. These bills have not been acted upon.

Notwithstanding the failure of Congress to act on this important matter, the Attorney General of the United States, the Honorable Robert Kennedy, on June 29, 1961, announced he had issued an order establishing a new consent judgment policy.

Pursuant to this policy, each proposed consent judgment shall be filed in court or otherwise made available upon request to interested persons as early as feasible but at least 30 days prior to entry by the court. Prior to entry of the judgment, or some earlier specified date, the Department of Justice will receive and consider any written comments, views, or relevant allegations relating to the proposed judgment, which the Department may, in its discretion, disclose to the other parties to the action. The

Department of Justice shall reserve the right, first, to withdraw or withhold its consent to the proposed judgment if the comments, views, or allegations submitted disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper, or inadequate; and second, to object to intervention by any party not named as a party by the Government.

This action on the part of the Attorney General is laudatory. It serves a public interest in a very important way.

With leave to revise and extend my remarks, I include at this point a copy of the consent judgment policy statement to which I have referred:

CONSENT JUDGMENT POLICY

(Order No. 246-61)

OFFICE OF THE ATTORNEY GENERAL,

Washington, D.C., June 29, 1961.

It is hereby established as the policy of the Department of Justice to consent to a proposed judgment in an action to prevent or restrain violations of the antitrust laws only after or on condition that an opportunity is afforded persons (natural or corporate) who may be affected by such judgment and who are not named as parties to the action to state comments, views or relevant allegations prior to the entry of such proposed judgment by the court.

Pursuant to this policy, each proposed consent judgment shall be filed in court or otherwise made available upon request to interested persons as early as feasible but at least 30 days prior to entry by the court. Prior to entry of the judgment, or some earlier specified date, the Department of Justice will receive and consider any written comments, views or relevant allegations relating to the proposed judgment, which the Department may, in its discretion, disclose to the other parties to the action. The Department of Justice shall reserve the right (a) to withdraw or withhold its consent to the proposed judgment if the comments, views or allegations submitted disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper or inadequate and (b) to object to intervention by any party not named as a party by the Government.

The Assistant Attorney General in charge of the Antitrust Division may establish procedures for implementing this policy. The Attorney General may permit an exception to this policy in a specific case where extraordinary circumstances require some shorter period than 30 days or some other procedure than that stated herein, and where it is clear that the public interest in the policy hereby established is not compromised.

ROBERT F. KENNEDY,
Attorney General.

THE POLITICS OF SURVIVAL—OR IS ONE TRACTOR WORTH TWO MEN?

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, one of the most thought provoking addresses I have had the opportunity to read was made at American University here last Thursday evening before the Second Annual Energy Institute, by William J.

Murray, Jr., chairman of the Texas Railroad Commission.

Mr. Murray's far-seeing observations on the relationship of energy production and utilization to the standard of living throughout the world, combined with the importance of politics in business life and world affairs, will be of interest to all Members of Congress.

His address is as follows:

THE POLITICS OF SURVIVAL—OR IS ONE TRACTOR WORTH TWO MEN?

The honor of addressing this annual Energy Institute was readily accepted because I greatly desired the privilege of association with the outstanding members of your faculty and because I wanted an excuse which would insure my presence at the Institute. As you know, we elected officials are sometimes criticized for absence from official duties if we are attending a meeting just to gain knowledge no matter how desperately we need it, but there is magic about a speech and even though I rarely gain or impart knowledge by speech making, it at least gives me an excuse which all other politicians will respect.

Selection of a subject for this evening has troubled me considerably and I must confess that I was unduly late in reaching a decision. These circumstances may offer some explanation. Our Texas Legislature has recently concluded its regular session, and as commission chairman I have frequently been summoned to testify before their committees. In recent weeks my mother has had a heart attack, my father two major operations, and my oldest daughter a large church wedding. Fortunately, all now seem to be favorably recovering including the father of the bride.

Those of you who also live by the calendar may sympathize with my recent discovery under "Things To Do Today," the notation "finish Washington speech," and being appalled to realize that I had not even concluded on a subject. In my correspondence regarding this invitation I found that presumably I was to be the only speaker covering the general field of "State regulation" and that the possibilities of discussing MER proration, market demand proration, new techniques of improved oil recovery, import regulations, and State and Federal natural gas regulatory problems had all been mentioned. But before concluding which phase I would cover I read the proceedings of the First Annual Energy Institute, which to my regret I had been unable to attend, and referred again to the transcript of the Joint Economic Committee hearing on energy resources including a review of my own testimony before that committee.

Bedtime came without a decision, and the next episode I am embarrassed to acknowledge, but it is quite true: During the night, I awakened from a nightmare in which I had dreamed I was delivering a speech for which I was totally unprepared, entitled "The Politics of Survival." The next morning I recalled the dream, could understand why my sleep had been fitful, but could not explain what twist of the mind had produced such a weird title. At breakfast my 13-year-old daughter, after listening to the news, commented, "Daddy, we had quite an argument at school. Our teacher got really worked up about it. Do you think it is right to trade tractors for men, and is one tractor really worth two men?" Later, as I deliberated over the subjects which had previously been under consideration, my mind kept returning to the silly dream and to the very serious conversation at breakfast with my daughter. Finally, feeling somewhat frustrated and foolish, I picked up the dictaphone and was almost surprised to hear, "Title—The Politics of Survival—Or Is One Tractor Worth Two Men?"

In retrospect, I recognize that it is presumptuous of me to attempt to speak on such a subject, but there is nothing foolish about the subject, and I desperately wish that it could have been entrusted to a speaker of adequate judgment, vision, and eloquence. But here I am, and here goes the speech:

Surely both Republicans and Democrats, Americans generally, and all other citizens of the free world must have been intensely interested in and impressed by President Kennedy's report on his meeting with Premier Khrushchev and his appeal that we meet the challenge of communism by a broad program of support to the undeveloped nations of the world. This report was of great significance to all of civilization. Would we rather the mission have been entrusted to a scientist, an industrialist, a philosopher, or a theologian? Did we discount it because it was made by a politician and had political implications? We should not, because this was a job that had to be done by a politician. I would prefer to use the word "statesman," but I must recall that advice given me when I was making my first campaign: "Son, you can't be a statesman until first you are a successful politician." The very survival of civilization cannot be divorced from politics. Consequently, it is upon the shoulders of political statesmen that such awesome responsibility rests today.

I will not be so presumptuous as to attempt to paraphrase any part of the President's report or so audacious as to suggest that my quoting from it here would add emphasis to it. Instead, may I quote something I read recently, which I respectfully suggest is in keeping with the tone of the President's address: "He seems incredible but he represents two-thirds of mankind. He is the world's average man. He lives in a hut. He cannot read or write. His energy is sapped by disease. He labors 15 hours a day. He works on land he does not own. He and his family are always hungry. He will die young, but he still has hope."

In spite of the sincere and stirring appeal of our President, would not practical men feel that it is unrealistic to suggest that there is a reasonable basis for hope? Today with a world population of 2.8 billion, over two-thirds live at near starvation level, but by the end of this century world population, if present trends continue, will reach a staggering total of 7 billion. If these trends continue only until 1975 and then birth rates begin to decline, it is estimated that world population will be in excess of 6 billion by the year 2000. Even if birth rates should immediately begin to decline at rates more rapid than any United Nations study has indicated probable, world population would still rise to 5 billion by the end of the century. No wonder Harry Emerson Fosdick stated, "The population question is the basic problem in the world today and unless we solve it, no other problem of world society can be solved at all."

The premise which I am about to state is of great importance to society. But since all of you here are experts in the energy field, since you presumably have done study and preparation for this Institute, since you likely attended or read last year's proceedings, since you may also have studied the transcript of the hearing on energy resources, read the Paley Commission report, the Seagram Foundation Scientific Symposium entitled "The Next 100 Years," and the papers of the World Power Conference and the Second Atoms for Peace Conference, and since you are acquainted with the writings of the world's leading demographers and ecologists, there is no necessity in documenting this premise for you. This premise is that if there is any basis for hope for the world's average man and if there is any means of solving the population problem, then it will come largely through a prodigiously huge

increase in the production and utilization of mechanical energy throughout the world. As you know, the standard of living of every people in the world can be accurately measured by their relative per capita consumption of energy. As you know, the fact that our Nation enjoys the highest standard of living of any people in the world or in the history of civilization is due largely to the rapid increase in the utilization of energy in this Nation. The keynote speaker at last year's Energy Institute rather well summed up this premise in the following quotation: "The number of people who can live on the earth and the comfort in which they live depends upon how much energy can be obtained and how economically it may be employed."

Relevant to this premise are four conclusions which presumably you have already reached but which desperately need to be expounded to the citizens of this Nation. Because of the importance of these conclusions I do not like to state them without some support, but neither do I wish to be tedious in attempting to prove to you that which you already know. A compromise will be sought by quoting one or two authorities who seem to represent the consensus of scientific opinion. The conclusions follow:

1. The ultimate energy requirements of this Nation are so great that the only possible adequate source of supply in the distant future is from the new exotic sources, principally nuclear and solar. The long-range energy demand and supply picture may be reasonably well summed up by quoting from Dr. Lewis G. Weeks' article, "Where Will Energy Come From in 2059?"

"Population increase and an acceleration in per capita demand for energy will produce a total demand for energy in the year 2059 probably as much as 50 or more times that of 1959. Man will find a way to harness and transmit solar energy. He will develop methods for making use of geothermal energy and he may do the same with tidal energy. He will learn how to free and utilize more and more the energy of the atom, the sources and supply of which are beyond our capacity to imagine."

2. But it is the consensus of expert opinion that for the remainder of this century these exotic sources will not supply a very significant portion of the total energy demand, and that for the immediate future this nation must rely upon present conventional sources, predominantly coal and petroleum. Since much of the public seems to think that the nuclear era is at hand, several supporting quotations are probably advisable here.

I would suggest that each of you be prepared on any occasion when you are in communication with a lay group to be able to conclusively demonstrate to them their stake in energy and the fact that for a long time in the future they must depend upon present conventional sources of supply.

Philip Sporn, president of the American Electric Power Co., testified at the energy hearings as follows: "The part of our total energy requirements to be satisfied by nuclear energy (in the year 2000) is only slightly over 20 percent. This would still leave almost 80 percent of our total energy requirements to be supplied by conventional sources. It is clear that our total energy requirements in the year 2000 and in the intervening period will necessarily require very large amounts of fossil fuel. I believe there is grave danger that we will tend to forget the essentiality of fostering the continued development of an adequate supply of coal, oil, and gas. . . . We must not forget the continuing importance of our fossil fuels and we must make certain in our policy considerations that they will be capable of fulfilling their important role of providing the far larger share of our total energy needs that nuclear power, even under

the most favorable conditions, will not be able to satisfy, at least for the remainder of this century."

George O. G. Löf testified regarding solar energy that, "It is also the greatest source of the earth's energy and the one which will eventually replace all fuels. At least within the next few decades, solar energy cannot be expected to furnish an appreciable fraction of the energy needs of the country. One percent in the year 2000 would appear to be an optimistic estimate."

Robert E. Wilson, member of the General Advisory Committee, U.S. Atomic Energy Commission, stated at the Fifth World Petroleum Congress in New York that "the impact of atomic energy on the petroleum industry during the next few decades will be practically negligible."

Dr. Edward Keller, at the Geneva Atoms for Peace Conference, stated that he did not look for economical power generation from nuclear fission during this century.

Dr. Walter G. Whitman, chairman of the Department of Chemical Engineering at MIT and U.S. delegate to the Second Atoms for Peace Conference at Geneva, stated that "oil and gas will furnish the bulk of the world's energy 50 years from now."

3. Therefore, in about a decade and for the remainder of this century, our conventional domestic energy supplying industries will be hard pressed to fully supply our greatly increased national demand. I hasten to add that this should not be construed as the statement of an alarmist. Domestic energy resources are available and our industry can supply the demand, but it will have to remain virile, strong, aggressive and farsighted. Research, exploration, and development will have to be initiated today if these industries are to fulfill their destiny in the future. This conclusion is well supported in the proceedings of the First Energy Institute.

4. But in the immediate years ahead, surplus energy supplies will exist, cutthroat competition within and between the competing energy industries may take place, ill-advised and even punitive legislation and regulation may occur, and the economic survival of our energy producing industries, at least under the free enterprise system, may be in question. It is believed that support for this conclusion is found in the recent testimony before the Department of Interior on import quotas and method of allocation, in the hearings on Senate bill 666 to amend the Natural Gas Act, and in the proceedings of this Second Annual Energy Institute.

But what has this got to do with my title, "The Politics of Survival?" Well, in the first place, politics will play an important role in determining whether your industry, and therefore your job, survives. And there is something you can do about it. You can participate in politics. But men like you, men of science, engineers, business executives, industrialists, are usually unwilling to participate in politics. Dean Hagerty of the University of Texas Engineering School recently told this story. Shortly after the war he employed a German refugee, Dr. Frey, to teach fluid dynamics. Dr. Frey had been head of the Propeller Division of Messerschmidt and during the war years had served as liaison with the German Luftwaffe. Dean Hagerty and Dr. Frey were attending a scientific meeting in which the speaker was discussing the Frey theory of propellers, but pronouncing it F-r-a-y. Dr. Frey rose in the meeting, addressed the speaker, said "It's not Frey, it's Frey, I'm Frey, and your explanation of the theory is wrong." Then he launched into a brilliant scientific exposition that held the audience spellbound. After the meeting Dean Hagerty commended the brilliant scientist, but then asked what he and other men of science were doing while Hitler was coming into power. Dr.

Frey replied, "Oh, we men of science and of industry were above becoming involved in politics."

Dean Hagerty told this story at a meeting of professional engineers as an indictment of their failure to participate in public affairs. Similarly, although fortunately not to the extent that it was true in prewar Germany, American scientists, engineers, and business executives frequently consider themselves above becoming involved in political issues. Many of those who are involved participate reluctantly in a selfish effort to protect their particular business, industry, or profession. There is also a third category of such men who do accept positions of public responsibility but who then become so idealistic and noble that they will not advocate that which their practical judgment and experience tells them is in the best interest of the Nation because they are afraid they might be accused of supporting the interests of the profession or industry with which they were formerly associated.

Let's get specific. Energy is vital to the future security, progress, and prosperity of this Nation. Coal and petroleum will constitute the dominant source of supply for most, if not all, of this century. Oil, coal, and gas are fighting with each other and many battles are being waged among the separate divisions of each industry. Natural gas regulation is in a condition of utter chaos because attempts have been made to use regulatory methods both impractical and foreign to our American system of free enterprise. The domestic oil industry, particularly the independent producer, is struggling for survival and is deeply concerned about the status of import regulations, the attacks upon the depletion recognition, and the possibility of being subjected, like the gas producer, to utility regulation. Coal, so I am told, is suffering grave difficulty at the very time when it needs to be engaged in mechanization of the mines and research on utilization. The issues facing all three industries are the subject of constant political debate and maneuver, frequently by the prejudiced and uninformed.

My plea to you as men of scientific training and integrity, as men of practical business judgment, is that you enter the political arena, but that you give first consideration to the welfare of the Nation and to the welfare of the consumers. If policies which are in the national interest are not particularly beneficial to your industry, then accept them, for survival is at stake. But if policies which promote national welfare also help your industry, then do not be afraid to advocate them. It is not yet a crime in this country to seek an honest profit if the public is served thereby. It is still possible, even probable, that he who makes the greatest profit has rendered the greatest service.

But finally be practical in your politics. There is no point in advocating something, even though it be sound, that the voters will not accept. There are various ways of accomplishing the same sound objective. You cannot be a statesman unless you are first a practical politician. But one can be a statesman even though he has been a practical politician.

We can test my sincerity in these statements by inquiring whether I am willing to practice what I preach. Again to be specific (and this is always uncomfortable), I am opposed in principle to fixing price on any competitively produced commodity, be it automobiles, beef, wheat, or gas. But in the case of gas, the burner tip sale to the domestic consumer is a utility which must be regulated and it is apparently now impossible to demonstrate to Congress that the consumer can be protected without also regulating the competitive price at the wellhead. I have concluded that it is pointless to stand on principle and thereby win the

praise of some of my constituents, but rather to acknowledge that wellhead price fixing is here to stay and therefore seek a compromise which will devise a reasonably practical method of fixing price and which will avoid the cost of service basis that would be ultimately ruinous to the consumer. Thus I need to be devoted to principle but not to the extent that it results in being politically impractical. I should be concerned first about national and consumer welfare and place this above the welfare of my State or the petroleum industry which we regulate, but I should not be afraid to advocate that which I believe to be in the best interest of the Nation simply because the program might be criticized as benefiting the petroleum industry and States in which it is produced.

A similar approach should be made to the problem of oil import regulation. If oil imports benefit the consumers of the Nation and reduce the amount of foreign aid which we must distribute to the oil exporting nations then I have no right to oppose them because they are harmful to the economy of my State. But if oil imports impair our national security then I should oppose them without fear of being criticized as another selfish Texan.

Finally, as we turn to the larger picture, the problems of the average man of the world, the problem of survival of civilization, were we not all in agreement with the President that regardless of expense and sacrifice on our part, a continued, even expanded, foreign aid program to the overpopulated, underdeveloped, low standard of living areas of the world is essential not only to their survival but to ours? But without criticizing the principle of foreign aid, may we not as practical men acknowledge that much of it has been extravagant, wasteful, inefficient, and in retrospect totally ineffective in accomplishing our purpose? As we consider what was spent and what has been accomplished in Nationalist China, India, South Korea, Brazil, Laos, and Iran for example, it is difficult not to despair of the benefits of foreign aid. But when we consider the strength and prosperity of Western Europe, particularly West Germany, we recognize that our aid probably saved them and the world from communism. Overall, might not we cease to attempt to assess blame but try to profit by experience both in success and failure and determine to find more practical and effective ways of assistance in the future?

If we agree that mechanical energy is the key to our own future national progress and prosperity, how much more true is it that energy is the key to raising the standard of living of the overpopulated, energy-starved areas of the world? We could never possibly spare enough dollars or raise and export enough surplus food to assuage the hunger of the world's average man who is increasing in number with such explosive rapidity. But to the overpopulated areas of the world we might point the way to developing their energy resources as we have in this Nation and also show them how to produce the machinery to use these energy fuels.

Some time ago I read an account of how an American company, in cooperation with our State Department, had developed a gear reduction mechanism for use in India which would triple the efficiency produced by their customary source of energy, the bullock. By hitching the bullock to this machine it would greatly increase the volume of water pumped from irrigation wells and could generate electricity for thousands of large communities in India which have no electric power. The Indian Government was reported to be most enthusiastic about this invention and forecast that if widely used it could result in a 50-percent increase in the agricultural yield as a result of more efficient irrigation, and by furnishing electric power for hand

tools it could provide jobs for hundreds of thousands of natives in handcraft work. One could not help but be excited by the potential benefit and good will to this Nation which would come from this invention.

Not long afterward a delegation of Indians representing their Government paid the Railroad Commission to visit to discuss techniques of oil exploration in their country and methods of conservation in the production of such oil as might be discovered. They were also quite interested in the possibility of exporting this oil to the United States so as to obtain much needed dollars. I could not help but think how much more valuable this petroleum would be to India if used at home and of the great potential good of tractors, trucks, irrigation pumps, and diesel electric generators powered by it. If a sacred bull that has to be fed would have the potential of increasing agricultural yield by 50 percent how much greater the possibility of good from petroleum which could supply energy, fertilizers, and thousands of petrochemical synthetic products to reduce the load on the soil.

Recently I entertained in my home a Saudi Arabian official who argued quite persuasively that we should increase, rather than reduce, the volume of imported crude from his country, because 83 percent of their income came from oil and it was desperately necessary that additional money be available to raise the standard of living of his people if there was any hope that they might be saved from communism. Shortly thereafter I heard an engineer discussing his recent visit to Saudi Arabia and telling with excitement of the possibility of salt water conversion plants which might be installed on the Arabian Gulf and the Red Sea, which would supply limitless quantities of fresh water for irrigating the desert. Some of Saudi Arabia's vast petroleum reserves could be used for fuel for such salt water conversion, possibly utilizing anticipated developments in plasma dynamics. Additionally, petroleum could be used to produce fertilizer so that with water and fertilizer the vast desert would again become a veritable Garden of Eden and would furnish food not only for the natives but for millions in starving Asia.

Surely somehow in the future, instead of offending foreign governments because we restrict importation of their oil to try to save our domestic industry and thereby preserve our national security, we ought to be able to find ways to help them utilize desperately needed energy themselves and to supply it to the energy-starved areas surrounding them.

In conclusion, then, we again ask the question, "Is one tractor worth two men?" Idealistically, morally, spiritually, "No." One human being is worth more than a thousand tractors. Materialistically, "No." In many parts of the world one tractor can accomplish more than a thousand coolies and it is a lot easier to fuel the tractor than to feed the coolies. But if men of science, engineers with practical experience, business executives with judgment and ability will recognize that through politics we direct the affairs of State, Nation, and the world, and therefore determine that they will give their greatest ability to matters of politics; if such men will help formulate wise policies at home, particularly in the field of energy production and distribution so as to keep our Nation strong and prosperous; and if such men will furnish leadership, again particularly in the field of energy production and utilization, so that this country may wisely and economically assist the underprivileged nations to lift their own standard of living; then it might be possible to give such hope to the average man of the world as to preserve peace and freedom and make democracy possible. Then after we have shown the world how to produce enough tractors and to provide the fuel to run them, we will

have so lifted the standard of living and so added to the dignity of man as to be able to realistically state "one man is worth a thousand tractors" because he was created in God's image and was given the intelligence to build as many tractors as he needed. This kind of language the peoples of the world will listen to, this kind of example they will follow. This is practical politics. This is the politics of survival.

FHA EMPHASIZING HELP FOR SMALLER COMMUNITIES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I want to commend the Federal Housing Administration on the new emphasis it has placed on helping smaller municipalities restore community life through community improvement programs.

The Administration has inaugurated a program in which specialists from FHA insuring offices visit public officials in smaller communities to advise them of FHA services and to assist them in undertaking practicable community improvement programs. This gives the smaller communities the professional consultant service that only the larger metropolitan cities can afford to hire. The FHA specialists do not wait to be called on by the localities, but volunteer their services. If a community is faced with complex problems of deterioration, I have been informed that the FHA will send two or more specialists to the community, and will make as many repeat trips as necessary to see the community improvement program successfully underway.

Two of the major tools being used in this reinforced program are sections 220 of the Housing Act for urban renewal areas and 221 for displaced families. Furthermore, the FHA has informed me that special emphasis is being placed on conservation and rehabilitation with the more costly complete redevelopment only where necessary.

GETTING TO THE GRASSROOTS

The FHA has taken the attitude that the big redevelopment projects are glamorous, but, in addition to the high cost, do not actually get to the grassroots.

To make wider use of Federal mortgage insurance under sections 220 and 221 possible, the FHA also has done away with certain arbitrary standards involving such things as size of side yards, and has sent special instructions to insuring offices to set standards applicable to particular neighborhoods and communities.

FHA Commissioner Neil J. Hardy felt that a special urban renewal division in the FHA was necessary to expedite this phase of the agency's activities. It has been set up under Christian O. Christenson, a veteran FHA official, whose present staff of 15 probably will be increased to about 30 persons.

This move to the grassroots to improve our smaller communities should

be an important step in helping rejuvenate community life.

Commissioner Hardy's action points up the need for a separate agency to handle problems of smaller community development. It also sets an example for other Government departments and agencies. All of them should reevaluate their current programs to determine if they are giving adequate and equal attention to our smaller communities and business institutions or if the smaller communities are being neglected in favor of the large metropolitan areas.

DISCRIMINATORY POSTAL RATES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the fate of the postal rate adjustment bill may well rest on what is proposed for increases in second-class mail rates.

While the second-class rate would be increased by an average of 79 percent, the mail rates now paid by small daily and weekly newspapers would be multiplied many times.

The National Editorial Association has prepared figures showing that mail rates would be multiplied almost seven times for newspapers like the Orange City-Sioux County, Iowa, Capital; Humboldt, Iowa, Independent; Kimberly, Idaho, Advertiser; Bad Axe-Huron, Mich., Daily Tribune; and the Florence, Kans., Bulletin. Mail rates of hundreds of other members of NEA would be multiplied three, four, and five times, depending on the size of the publication, the amount of mail circulation, and the amount of advertising carried.

While this represents the smallest part of the postal deficit, it is hit hardest in proposed postal rate increases. This alone should deter the Congress from taking action that would impair the performance of this public service.

Let us review here some of the comments of a few of those in the industry who would be affected directly:

Lloyd T. Page, Jr., vice president, Virginia Press Association: "The Postmaster General has admitted that an average 79 percent boost in postal rates 'is a sharp increase.' We agree with the Postmaster General. We hope that this committee will agree with our thinking that an increase of 148 to 280 percent goes far beyond 'a sharp increase.'"

William F. Berghold, the Rural New Yorker, New York, N.Y.: "Farm publications in the category of the Rural New Yorker have just completed the third round of postal increases and any further increase, regardless of amount, would be ruinous to our industry. This Government agency got what it asked for 3 years ago, and presumably that raise was supposed to have put Post Office operations in the 'black.' That it has not done so should not be laid at the door of private enterprise."

Lloyd G. Schermer, business manager, the Missoulian-Sentinel: "We are now spending about \$13.68 per day on postage for delivery of our papers. This amount will be jumped to \$53.99 per day. I would like to point out that a substantial number of our newspapers

are being delivered directly to post offices in western Montana ready for mailing that normally represents work that should be performed by the Post Office Department. Of course, with such a substantial increase, we may be forced to throw this entire load on the local post office in Missoula in order to save money to pay for the increase in mail rates."

Lee E. Kelly, Sr., publisher, Thomasville (Ga.) Times-Enterprise: "Over the past 3 years we already have had an approximate increase of 100 percent. Now the proposed increase would add another approximate 349 percent to our postal bill."

Lowell D. Mills, publisher, Hutchinson (Minn.) Leader: "The Postmaster General apparently wants to lower the boom on second-class publications. He is pushing the most drastic rate increase bill ever proposed."

Donald R. Coe, president, Montana State Press Association, Missoula, Mont.: "From the standpoint of the larger newspapers the new postal rates might not be of such concern—I am sure I couldn't say one way or the other. However, it will hurt me and it will hurt a large majority of the weekly newspapers in Montana and those in the other 49 States. It is quite conceivable that the increase will be the straw that breaks the camel's back and puts some of them out of business."

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. PATMAN, for 10 minutes, today, to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. EVERETT and to include extraneous matter.

Mr. BRADEMANS.

Mr. BROOKS of Louisiana.

Mr. ALGER.

(The following Members (at the request of Mr. ARENDS) and to include extraneous matter:)

Mr. MARTIN of Nebraska.

Mr. FORD.

(The following Member (at the request of Mr. BOGGS) and to include extraneous matter:)

Mrs. SULLIVAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 29. An act for the relief of Ok Nyu Choi (Ann Wollmar); to the Committee on the Judiciary.

S. 149. An act for the relief of the estate of Gregory J. Kessenich; to the Committee on the Judiciary.

S. 207. An act for the relief of Jean Goe-dicke; to the Committee on the Judiciary.

S. 245. An act for the relief of Kam Yung (Lee) Chong; to the Committee on the Judiciary.

S. 270. An act for the relief of Mrs. Jeliza Prendic Milenovic; to the Committee on the Judiciary.

S. 464. An act granting the consent of the Congress to interstate compacts for the development or operation of library facilities and services; to the Committee on the Judiciary.

S. 489. An act for the relief of Dellarose J. Dowler; to the Committee on the Judiciary.

S. 680. An act to authorize the Secretary of Commerce to utilize funds received from State and local governments and private organizations and individuals for special meteorological services; to the Committee on Interstate and Foreign Commerce.

S. 731. An act for the relief of Charles F. Tjaden; to the Committee on the Judiciary.

S. 1450. An act for the relief of Shim Dong Nyu (Kim Christine May); to the Committee on the Judiciary.

S. 1698. An act for the relief of Athena Nicholas Euteriadou; to the Committee on the Judiciary.

S. 1990. An act to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communication facilities; to the Committee on the Judiciary.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on June 30, 1961, present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 6027. An act to improve benefits under the old-age, survivors, and disability insurance program by increasing the minimum benefits and aged widow's benefits and by making additional persons eligible for benefits under the program, and for other purposes; and

H.J. Res. 465. Joint resolution making continuing appropriations for the fiscal year 1962, and for other purposes.

ADJOURNMENT

Mr. HALEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Thursday, July 6, 1961, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1086. A letter from the Comptroller General of the United States, transmitting a report on review of progress payments made on selected ship construction contracts awarded and administered by the Department of the Navy; to the Committee on Government Operations.

1087. A letter from the Comptroller General of the United States, transmitting a report on the review of selected activities of the Bureau of the Budget, Executive Office of the President, carried out principally during fiscal year 1960; to the Committee on Government Operations.

1088. A letter from the Chairman, Franklin Delano Roosevelt Memorial Commission, transmitting the fifth interim report of the Franklin Delano Roosevelt Memorial Commission; to the Committee on House Administration.

1089. A letter from the Secretary of Commerce, transmitting a draft of a proposed bill entitled "A bill to amend titles I and II

of the Immigration and Nationality Act, and for other purposes"; to the Committee on the Judiciary.

1090. A letter from the Assistant Director of Administrative Services, CWO, W-2, U.S. Air Force, Civil Air Patrol, transmitting the Annual Report of the Civil Air Patrol for the calendar year 1960, pursuant to Public Law 476, 79th Congress; to the Committee on the Judiciary.

1091. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 31, 1961, submitting a report, together with accompanying papers and illustrations, on an interim report on Columbia River between mouth of Willamette River and Vancouver, Wash., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 14, 1957, and April 9, 1957 (H. Doc. No. 203); to the Committee on Public Works and ordered to be printed with one illustration.

1092. A letter from the Comptroller General of the United States, transmitting a report on review of management of idle production equipment within the Department of Defense; to the Committee on Government Operations.

1093. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Federal National Mortgage Association (FNMA), Housing and Home Finance Agency, for the fiscal year ended June 30, 1960 (H. Doc. No. 204); to the Committee on Government Operations and ordered to be printed.

1094. A letter from the Comptroller General of the United States, transmitting the review of slum clearance and urban renewal activities of the Atlanta regional office of the Housing and Home Finance Agency, September 1960; to the Committee on Government Operations.

1095. A letter from the Under Secretary of Commerce, transmitting a draft of a proposed bill, entitled "A bill to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity"; to the Committee on Interstate and Foreign Commerce.

1096. A letter from the Commissioner, Federal Housing Administration, relative to the technical research program conducted by the FHA, and relating to a contract being entered into with the Pennsylvania State University, pursuant to Public Law 85-934; to the Committee on Interstate and Foreign Commerce.

1097. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of an order entered under the authority contained in section 13(b) of the provisions of section 13(c) of the act of September 11, 1957; also a list showing the name of the person involved; to the Committee on the Judiciary.

1098. A letter from the Director, U.S. Information Agency, transmitting a draft of a proposed bill, entitled "A bill to give effect to the agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific, and cultural character, approved at Beirut in 1948"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RUTHERFORD: Committee on Interior and Insular Affairs. H.R. 5786. A bill to

provide for the establishment of Cape Cod National Seashore; with amendment (Rept. No. 673). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. House Joint Resolution 453. Joint resolution relating to deportation of certain aliens; with amendment (Rept. No. 672). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. GREEN of Oregon:
H.R. 7996. A bill to establish a U.S. Disarmament Agency for World Peace and Security; to the Committee on Foreign Affairs.

By Mr. RUTHERFORD:
H.R. 7997. A bill to establish the White House as a national monument; to the Committee on Interior and Insular Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to endorsing H.R. 6400, relating to the farm program; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to a Federal fish hatchery in Nevada; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to the proposed cutting down of trees in the Presidio; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FINNEGAN:
H.R. 7998. A bill for the relief of Esmail Azarshay; to the Committee on the Judiciary.

By Mr. HUDDLESTON:
H.R. 7999. A bill for the relief of Pietro D'Angelo; to the Committee on the Judiciary.

By Mr. MOOREHEAD of Ohio:
H.R. 8000. A bill for the relief of Mrs. Helen Veselenak; to the Committee on the Judiciary.

By Mr. PILLION:
H.R. 8001. A bill for the relief of Manuel Calvete Pereira; to the Committee on the Judiciary.

H.R. 8002. A bill for the relief of Naveed Reza; to the Committee on the Judiciary.

By Mr. PUCINSKI:
H.R. 8003. A bill for the relief of Vincent Anthony Czajkowski; to the Committee on the Judiciary.

SENATE

MONDAY, JULY 3, 1961

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The PRESIDENT pro tempore. The Senate will come to order, and by order of the Senate will stand in recess until July 5 at noon.

RECESS TO WEDNESDAY

Thereupon (at 12 o'clock and 6 seconds p.m.) the Senate took a recess, under the order previously entered, until Wednesday, July 5, 1961, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

President John F. Kennedy on "The Meaning of Liberty"

EXTENSION OF REMARKS OF

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 3, 1961

Mr. BRADEMAS. Mr. Speaker, on the day before Independence Day, I am pleased to insert in the CONGRESSIONAL RECORD an eloquent statement by President Kennedy on "The Meaning of Liberty." The statement was published in the July 2, 1961, issue of Parade magazine:

THE MEANING OF LIBERTY

(By President John F. Kennedy)

July 4 has traditionally been the day when Americans pay their tribute to liberty. We gather, as our forefathers did, to listen to Fourth of July orations. The old-fashioned eloquence of these speeches testifies to the deep and abiding attachment of the American people to the sentiments of freedom.

At the same time, the flow of ceremonial words sometimes obscures the hard problems of personal responsibility involved in the day-to-day fight for liberty.

Now that the very idea of personal liberty is under attack in so many parts of the world, the obligation rests on us more urgently than ever to recognize that words are not enough to sustain the revolution of liberty—that liberty resides essentially, not in what we say, but in what we do.

What matters is the concrete meaning that our words give our lives. What is the significance of pious gestures if, through acquiescence or through choice, we throw

our daily weight against the institutions and ideas which make liberty real? The battle for liberty takes place, in the end, in the mind and heart of individuals.

When we think of liberty in 1961, let us not be content with the stately periods of the Fourth of July orations. Let us not just talk of liberty: let us act for it. Let us translate our devotion into deeds—the rejection of arbitrary limitations on liberty based on race or religion or color; the determination to respect the individuality of others; the conviction that free discussion among freemen affords the best guarantee of human progress.

We make the revolution of liberty, not by what we exhort others to do, but what we do ourselves.

Debt Limit

EXTENSION OF REMARKS OF

HON. OVERTON BROOKS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 3, 1961

Mr. BROOKS of Louisiana. Mr. Speaker, on Monday, June 26, 1961, the House voted upon the matter of extending the debt limit. At the time of the vote I was a patient in the hospital at the Naval Medical Center, Bethesda, Md. It turned out that I remained there for 5 or 6 days. I was against increasing the debt limit and had I been able to get out of the hospital and appear on the floor of the House, I would have voted accordingly. I want this insertion to preserve my voting record on this matter.

Gen. Thomas Dresser White

EXTENSION OF REMARKS

OF

HON. GERALD R. FORD, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 3, 1961

Mr. FORD. Mr. Speaker, 27 years ago the then U.S. Ambassador to the Soviet Union, William C. Bullitt was involved in an airplane crash near Leningrad in the Soviet Union. The aircraft, piloted by a tall, dark-haired, good-looking young man, had become iced up, causing the crash. Mr. Bullitt immediately wired the late President Franklin Delano Roosevelt, saying:

We landed upside down, but came out right side up.

The pilot of that airplane on that cold bleak day in the Soviet Union was Gen. Thomas Dresser White, then a first lieutenant. And I can say it was indeed fortunate for us that this outstanding man came out of that crash unscathed. Certainly he has come out right side up ever since. General White was graduated from the U.S. Military Academy in July of 1920 and has given his country over 41 years of outstanding, dedicated service. These 41 years have covered a unique period in history, particularly the last few years which have been termed the technological crossroads. I believe it fortunate that we had a man of the caliber of General White as Chief of Staff of the U.S. Air Force during this period. We know that his successor, Gen. Curtis LeMay, will carry on the fine tradition

that General White is leaving. I know all of you join me in wishing General White the best of everything. We shall reflect often on his unstinting and dedicated service to his Nation.

Safeguards of the Innocent—Tools of the Guilty

EXTENSION OF REMARKS

OF

HON. ROBERT A. EVERETT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 3, 1961

Mr. EVERETT. Mr. Speaker, on June 8, 1961, Mr. Harry Avery, an outstanding lawyer and investigator and very prominent citizen of Alamo, Tenn., which is in our congressional district, made an excellent address before the attorneys general section of the Tennessee Bar Association convention in Memphis.

This address is so outstanding and to the point that I would like to bring it to the attention of the membership of the Congress. The address follows:

SAFEGUARDS OF THE INNOCENT—TOOLS OF THE GUILTY

(By Harry S. Avery, Attorneys General section, 80th annual convention, Tennessee Bar Association at Memphis, June 8, 1961)

Your chairman, Gen. Fleming Hodges, and I were engaged in the investigation of a fire during this past year which destroyed a valuable dwelling—the home of a widely known citizen of his district. At first, it was thought to be of accidental origin. However, the investigation which subsequently followed resulted in the development of most unusual and bizarre circumstances. He presented them to the grand jury. An indictment charging arson was returned, naming four defendants—two as principals and the other two as accessories after the fact.

Before the trial ensued, the owner, who was not one of the defendants, died of a heart attack. Likewise, one of the defendants passed on by the same route and another defendant received his heavenly reward primarily from results of severe burns received as the fire ignited his clothing before he could escape the premises.

General Hodges was confronted with many unusual circumstances and rules of evidence in his efforts to try the case. During the investigation and trial, other cases in which I had participated in the investigation for more than the past 30 years throughout the country, came to my mind. He suggested that I tell you of some of them at this meeting. This, of course, pleased and flattered me.

I realized, however, that perhaps all of you have, from time to time, participated in the investigation and prosecution of bizarre cases equally as fascinating, the facts of which and difficulties confronting you at the trials defied the imagination even of a fiction writer. Therefore, I doubted the wisdom of annoying you with a recitation of some of my personal experiences in this respect. I will be delighted if I can bring to you a discussion that at least has the possibility of arousing your interest in what some others, far more capable than I, have to say in their efforts to improve the criminal laws, investigative techniques and trial procedures. They, as well as you and I, wish and pray that our democratic system of government might be made more secure; that our Nation might be freed of gangsters and criminals who spy

against us, who use the safeguards written into the Constitution of the Federal Government, the constitutions of our several State governments, statutes and judicial decisions, for no other purpose except to safeguard the rights and privileges of the innocent in a free democratic society and government. Those safeguards are not written into the law to protect the guilty, but how often have you and I experienced and observed the investigations and trials of the guilty, thwarted by gangsters and crooks who pervert the safeguards of the innocent into tools of the guilty?

If I could say something here today—and I am talking not as a representative of the National Board of Fire Underwriters—that would cause you or even some of you to read, "The Enemy Within," by Attorney General Robert F. Kennedy—or "Masters of Deceit," by J. Edgar Hoover, Director, Federal Bureau of Investigation, your time and mine, in my humble opinion, would be well spent.

I am speaking to you as a father, a grandfather, and a citizen of Tennessee; as a member of this bar who has practiced law defending criminals; who has assisted in the investigation and prosecution of criminals; one who realizes that he is well over the horizon of life's western slope. My present desire is to make some contribution, however small, to help perpetuate our free government. It seems to me, our Government is in dire peril but we should not despair. It was in peril at Valley Forge and most every decade has brought forth a new peril to our freedom. Our ancestors have overcome these perils, but this has not been done without sacrifice, without amendments, nor without development of new laws and procedures.

Who are the enemies within? They are the gangsters and criminals who have brought a hundred-percent increase crime wave within the past 20 years and who brought a 12-percent increase in crime within the past year, according to the annual Federal Bureau of Investigation reports. They are the gangsters who have infiltrated into labor and management, working in a highly organized fashion throughout the Nation, sapping legitimate business of billions of dollars annually. They are more powerful now than ever in the history of the Nation. In some instances, according to the McClellan committee, "They control political figures and threaten whole communities." They are the type who, by use of telephone and modern inventions, can overnight call a meeting with almost immunity under our present safeguards for the innocent, as they did at Apalachin in 1957. They are the types who pay fabulous sums, as Mickey Cohen did for a \$25,000 bulletproof car; who owned silk lounging pajamas costing \$275—300 suits, 60 pairs of \$60 shoes, and 1,500 pairs of socks, and yet not show an income of over \$1,500.

They are the type criminal who may, over the telephone, be sent into a community within a few hours—where they are not previously known—and organize in short order a large segment of its society and thwart local government by bribing corrupt public officials. You and I know that the methods which can be legally used by law-enforcement officials have not kept step with the modern techniques of today's criminals.

Who are the masters of deceit? Yes, they too are a part of a criminal conspiracy to destroy us—like a two-headed serpent, one running underground, the other above. Its underground element, with its allegiance to the Kremlin and in control of the whole serpentine body, spying, sabotaging, and even ready to commit murder, and its above-ground element waving the American flag, crying out against law-enforcing officials taking advantage of every safeguard in the law for the innocent.

They all wrap themselves in the immunity of the fifth amendment, even refusing to give their names. They contact each

other by telephone, conscious of the fact that if an official of the law is listening on the line, he cannot use the evidence against them, and if he reveals that he has done so, will face a criminal charge himself. Yet, they use every device, inside and outside the courtroom, to break down the American judicial system. Contributing to the peril, also, is the attitude of so many of our so-called good citizens who fail to do their patriotic duty really to fulfill the responsibility of good citizenship. They turn their heads to avoid becoming witnesses. They complain to the district attorney for the slightest inconvenience occasioned by subpoena, either for witnesses or jury service, and some even perjure themselves in order to shirk their responsibilities. All this contributes to general apathy for law enforcement.

Some of our judges, honorable and well-intentioned though they may be, contribute to not only general apathy of the populace for law enforcement, but to the disgust of law-enforcing officials. One's commonsense, even without benefit of experience as a criminologist, cries out that the certainty of swift arrest and just punishment is the most effective crime deterrent.

As early as 1956, one distinguished law professor and former editor of the Michigan Law Review, writing in the Reader's Digest and the American Mercury asked, "Why do our courts protect criminals?" He was criticizing members of the U.S. Supreme Court for reversing the convictions of numerous criminals who had used the safeguards of the innocent as tools of the guilty. In one case, the conviction was reversed where an officer on an instant tip had gone to a hotel room, smelled burning opium seeping under the door. He knocked on the door—the occupant opened it slightly and opium fumes poured out. The officer properly identified himself and found the illegal physical evidence in the hotel room and our highest Court reversed the conviction on the ground that search of the hotel room without a proper search warrant was unreasonable and that no evidence against anyone whose privacy had been invaded, no matter how clearly it established guilt, was admissible. Such was a judge-made rule and such rules have been made about unreasonable search not only to cover one's home, but a hotel room or a place he rents to sell dope, whisky, lottery tickets, a house of prostitution or even to conceal stolen goods. Law Prof. John Baker White said, "This judge-made rule had set a strange precedent by which many courts for 40 years had been caused to play into the hands of hoodlums and their lawyers."

In Tennessee, one search warrant is not enough. It must be in triplicate, filed or placed in three separate places and requires a rather skilled legal technician to draft. Certainly, the average police officer, even in the necessity of a quick search, could not meet the requirements of these unnecessary precautions.

Let us see what one of our U.S. Supreme Court judges says about this situation: On April 3, 1961, in the case of *Chapman v. United States of America*, the Court reversed the conviction of Chapman. The facts revealed that Chapman had, through a real estate agency, rented a dwelling belonging to a man by the name of Bridgman. On a Sunday morning the owner drove out to meet his new tenant and invite him to church. Chapman was not on the premises. Odors emitting from the house clearly revealed that the law was in serious violation by the manufacture of whisky. In the State where this occurred, the manufacturer of whisky and its possession for disposition, abrogates the lease. The owner summoned the police. They, too, were aware of the physical evidence. They found a window unlatched—they were instructed on this Sunday a.m.

by the owner to enter. While inside, Chapman the tenant, appeared. The officers found 1,300 gallons of illegal whisky mash. Chapman was convicted and ultimately appealed to the highest Court in the land, which reversed the conviction. Justice Clark dissented saying, "Every moment of every day a law officer somewhere in the United States is faced with problem of search and seizure" and added it was the duty of the Court to lay down the rules with such clarity and understanding that he may be able to follow them. In this dissent, Justice Clark further stated, "For some years now the field has been muddy (as to rules) but today (April 3, 1961) the Court makes it a quagmire claiming, 'It fashions a novel rule, supporting it with an old theory long since overruled.'" He added, "It is disastrous to law enforcement to leave at large the inconsistent rules laid down in these cases."

It seems to me that when Judith Coplon's conviction was reversed because the FBI failed to prove that they did not intercept a telephone message by wiretapping, right while she was attempting to turn over secret Government documents to a Russian spy, the Court was ignoring our national security. It also seems to me that too often the courts are more concerned with the method by which evidence is obtained than with the prevention of crime and the punishment of offenders.

In the Charles Rizzo case in New York, the defendant with three other gangsters planned the robbery of a bank payroll. They trailed the victim to the bank—their timing was bad—he had already left the bank, but they continued to trail him and as he attempted to pay off workmen, the gangsters with concealed guns approached him and police officers, suspicious of their conduct, intercepted them. Three of them were convicted for an attempted armed robbery, but Rizzo appealed. His pals went to Sing Sing. The police having caught them before they pulled their guns, the Court reversed the conviction, holding that although the men had planned a robbery and set out to accomplish it, this did not constitute an attempt, but merely a preparation. Does anyone doubt that this brought rejoicing in the underworld? Once again, the courts had turned guilty men loose on society under a technicality so ridiculous that the average citizen could not understand, and even well-informed and educated citizens concerned with the safety of the community, could not believe it to be reasonable or realistic.

With the investigations by Senator McCLELLAN's committee here in Tennessee, revealing gangster infiltration into the Teamsters Union and bringing to light evidence of bribery and the impeachment of one judge, there was a sound basis for disgust.

With gangsters living in the lap of luxury, with police officers having to wallow in a quagmire of inconsistencies with so-called good citizens shirking their duty as witnesses and jurors, with the general apathy for law enforcement reflected by the public attitude, with the high cost of living facing every citizen, be he policeman or other investigating officer, small wonder it is to me that we do not have more police officials who are derelict to duty, who succumb to this horrible environment, and what a relief and joy to meet and know so many dedicated officers to public duty and to the welfare of our democratic form of government.

We could continue to refer to case after case of judicial decisions by individual judges or by split decisions of courts of three, five, or nine members, where a bare majority changed the rules, made new law, so to speak, which should have been properly within the province of our legislative branch of government. It would, perhaps, serve no good purpose here.

It is not my purpose to be critical of the judiciary, to try to reflect upon the character or caliber of our judges, but certainly no harm could be done by a study of the effect of some of their decisions which have preempted our legislative prerogatives and discouraged dedicated, honest, intelligent and capable officers of the law and prosecuting officials.

Take the so-called Durham rule enunciated just a few years past by the Federal Court of Appeals of the District of Columbia, where the long-standing rule on insanity was abrogated and a new definition written into the law. No longer in the District of Columbia would it be permitted to show the defendant knew the difference between right and wrong, but under the so-called Durham rule, the defendant must be acquitted if it was shown that the crime was the product of a mental disease or defect. This, of course, resulted into a tool for the guilty rather than the safeguard of the innocent. Within 12 months there were more acquittals for insanity than in the past 4 years. Practically speaking, it simply turned the function of the jury over to our psychiatrists.

In passing, we might also mention the Supreme Court's decision in the now famous Mallory case—also a District of Columbia case. It was held in effect that even on Sunday, the defendant charged with rape and held for 7 hours while the police were investigating, violated the rule of the court which required the arraignment of arrested persons without delay, that Mallory had been held too long without arraignment and the conviction was reversed on no other grounds. It was not even claimed by defendant's attorneys that he was mistreated or that the police had used duress. This apparent unreasonable holding brought protest from crime commissions and law-enforcing officials all across the country. How is a prosecuting or district attorney going to know what unnecessary delay may be in the mind of a judge? It is in theory a safeguard for the innocent who might fall into custody of an unscrupulous policeman, but in fact it is a tool for the guilty. Certainly the safety of the community which has such a great stake in the enforcement of the criminal laws was dealt a discouraging blow.

While I was initially thinking upon the subject of this discussion, I addressed a letter to the Honorable Robert F. Kennedy, U.S. Attorney General, which read in part, as follows:

"I have been invited to appear on the program of the district attorneys general division of the Tennessee Bar Association which convenes in Memphis June 8. My subject is to be 'Safeguards of Law for the Innocent—Tools for the Guilty.' Naturally, the fifth amendment; the presumption of innocence; certain rules of evidence; safeguards in court opinions and constitutional prohibitions (such as in Georgia, a defendant charged in a felony, may take witness stand not under oath and make any kind of a statement without being subject to any questions from any source, his own attorney, the prosecuting attorney or even the trial judge) are some of the safeguards.

"With crime constantly on the march and increase in the United States, do you believe any steps or laws could be taken or should be passed which would still protect the innocent and yet not be so potent tools for the guilty?"

Attorney General Kennedy replied:

APRIL 3, 1961.

DEAR MR. AVERY: Thank you for your interesting and complimentary letter of March 5, 1961, in which you asked whether I believe any steps could be taken, or laws passed, which would protect the innocent and yet not be potent tools for the guilty. I would like to make the following comment on your question:

The degree to which a legal rule may operate to protect an innocent citizen, or merely shield a guilty one, varies with the circumstances of each case. The balance between the competing interests that come into play in these matters is, of course, a delicate one to maintain. With these considerations in mind, the courts are continuously engaged in the complicated process of molding the law by interpreting constitutional and statutory standards in the controversies before them. It follows that maintaining a harmonious balance between the two factors you mention is mainly within the province of the courts. Certainly one of our large tasks as lawyers is to discern these legal principles in judicial decisions and conform to them in the actions we take.

In addition, on the positive side there are a number of instances in which it is our primary responsibility to act. For example, upon becoming Attorney General I immediately directed that a review be made of our Federal criminal laws to find the areas in which new legislation appears desirable.

The work is nearing completion. I expect soon to submit to the Congress a legislative program to aid in combating crime. All proposals are receiving a critical examination in the Department to insure that the innocent and unwary are properly protected, while substantial violators may be reached.

Your good wishes to me and my associates in the Department of Justice are indeed appreciated. I would have no objection to your using this letter as you may desire.

Sincerely,

ROBERT F. KENNEDY,
Attorney General.

No sane person wishes to take away any safeguard for the law-abiding citizens. However, most of our constitutional safeguards were initiated following a period of oppression. Our forefathers' wish was to forever eradicate tyranny and oppression. There does not now exist in our society any peril to the freedom of worship, freedom of speech and the press; to the right of petition for habeas corpus; to the right of one's possessions and property without adequate compensation. These and many other fundamental safeguards for the liberty of the innocent will ever remain secure as long as we have a democratic form of government. However, today there exists a great peril to our Government from the criminals and the masters of deceit. Every step should be taken to apprehend them and this requires some new laws which will not harm the innocent, but will give modern means to the prosecuting officials to counteract the modern inventions now at the disposal of these enemies to our society. Methods doubtless can and should be legalized to make available evidence of interstate crime and threats to our national security by the interception of telephone and other electronic communication between criminals.

Today far-flung criminal syndicates rely heavily upon the telephone and telegraph in the conduct of their nefarious activities. It is essential that these communications be intercepted.

It is dangerous to national security to free a person guilty of crime directed to the overthrow of our democratic government simply because the evidence was obtained by the interception of a telephonic or telegraphic communication.

The present law gives criminals greater immunity in the use of the telephone, radio, and telegraph than any other methods of communications. A face-to-face oral conversation may be overheard and proven in court. A letter or other written communication may fall into the hands of the law and be used as evidence. Why, then, should a telephone conversation be inviolate? If it is intercepted presently by wiretapping,

the Government is not only forbidden to prove the conversation, but is also forbidden from introducing any other evidence discovered by knowledge obtained from monitored conversations.

The fourth amendment protects written communications from only unreasonable searches and seizures. It does not absolutely bar officers from seizing private papers and using them as evidence; it merely requires proper safeguards against abuse. It does not seem unreasonable to me why communications by wireless or by wire should be placed at least in the same category of competency.

I have only touched upon some of the safeguards which should be strengthened by legislative enactment, and this will not come without an awakening by the general public to law enforcement. Nothing in this respect is more frightening than the May 20, 1961, statement of Director J. Edgar Hoover, when he said:

"Heartened by an atmosphere of continuing public complacency, and encouraged by its success in involving every legal technicality to thwart the interest of justice, the Communist Party is today a unified, ambitious, and destructive instrument of subversion operating within our midst. It has shown a brazen defiance and disrespect for America's laws, governmental institutions, and traditions."

In closing, may I again acknowledge my appreciation to General Hodges and you for the courtesy extended to me and for General Kennedy's letter. I also again appeal to you with the hope that every intelligent American, if he has not already done so, will

read "The Enemy Within" and "Masters of Deceit."

It may be that Thomas R. Marshall, a former vice president, was correct in saying in 1914, "What the country needs is a good 5-cent cigar," but today there is a crying need for capable, qualified Attorneys General and their assistants who have practical experience in the investigation and prosecution of criminals to aspire for places upon the bench and the legislative branch of Government.

Tabulation of Replies to a Questionnaire

EXTENSION OF REMARKS

OF

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 3, 1961

Mr. MARTIN of Nebraska. Mr. Speaker, the tabulation of replies to the questionnaire I sent to Fourth District residents has just been completed and I am pleased to report that over 20 percent of those who received the questions and many wrote additional comments giving me their views on matters of national importance.

[In percent]

	Yes	No	Not sure
1. Do you favor reducing the amount of money spent for foreign aid?	83.4	9.2	7.4
2. Should Communist China be admitted to the U.N.?	10.9	78.8	9.9
3. Do you favor a gradual reduction in farm price supports?	74.2	12.4	13.2
4. Are you in favor of giving the Secretary of Agriculture the power to sell on the open market Commodity Credit Corporation feed grains at less than the support price, as provided by the 1961 feed grains program?	30.5	38.1	31.0
5. Do you favor a Government program that would work toward eventually eliminating all supports and all controls on agriculture?	81.7	10.5	7.7
6. Should we increase social security taxes to provide free medical care for pensioners, despite the fact that many are not covered by social security?	11.2	81.0	7.0
7. Do you favor more public works spending by the Government as an antirecession measure?	22.5	67.4	10.0
8. Do you favor raising the minimum wage to \$1.25 an hour and broadening coverage to include 4,000,000 more employees?	38.4	54.1	7.4
9. Should workers be forced to belong to unions to hold jobs?	7.4	82.4	9.4
10. Do you believe antitrust laws should also apply to labor unions?	75.5	9.1	15.2
11. Do you favor some sort of income tax allowance for education, rather than direct Federal aid to education?	65.1	23.2	11.0
12. Do you favor direct Federal aid to all schools—public, private, or parochial?	7.7	87.8	4.4
13. Do you favor repayable Federal loans to college students, rather than outright grants of money?	87.1	7.7	5.1
14. Do you feel that Federal aid to education will result in Federal control of education?	77.4	15.6	7.0

SUMMARY

Many points were covered in the comments included with the returns. They boil down, however, into three main categories:

First. Most of our Nebraska people are unalterably opposed to a welfare state, and to the legislation which is being proposed and passed here in Washington that would control them as individuals throughout their lives. Strong opposition was registered to Federal aid to education; socialized medical and foreign economic aid programs; and minimum wage legislation. Many felt that an income tax deduction to parents with children attending college would be the proper way to approach this problem, rather than the appropriation of Federal funds for loans and scholarships.

Second. In regard to agriculture, many of our farmers feel that the Government should gradually get out of the agriculture program, and that the great mistake in this field was made when the Government continued the program after the close of World War II. Most of our farmers indicated that they would like to be free to operate without Government controls.

Third. In regard to communism, from the comments received, the people of the Fourth District feel that the administration is not aggressive enough in its stand toward com-

munist. Quite a number in their comments stated that we should use force if necessary to keep communism out of the Western Hemisphere, particularly in Cuba. A strong Military and Defense Establishment, it was indicated, should be maintained in the United States. Military strength is the only thing that the Communists understand.

QUOTABLE QUOTES

Agriculture: "The time is long overdue for the Federal Government to quit meddling in the affairs of the citizens of the United States of America. It should be remembered that this Nation was founded on the freedoms of the individual and grew strong and prosperous under the private enterprise system, not by subsidies paid for by taxes taken from the people for this express purpose. I would like to see farm price supports completely abolished, gradually."

Communism: "A mere defense never won anything. Communists believe the old saying: 'All's fair in love and war.' * * * Stop the Communists, especially in the Western Hemisphere. This is a must. * * * The admission of Red China into the U.N. would be tantamount to the destruction of the United States. * * * How much more pushing around are we going to have to take from Russia and Communist sympathizers? * * * Let's stop being so soft toward the

Nebraska's Fourth District is primarily rural, and you will note that the tabulation shows that an overwhelming percentage of those who returned the questionnaire are in favor of eventually eliminating all price supports and controls on agriculture, 81 percent are opposed to medical care under social security, and over 87 percent are against Federal aid to secondary schools. Nebraska's Fourth District citizens are opposed to vast expenditures for foreign aid and the comments many wrote expressed the view that expenditures in the past and proposed programs would simply be pouring more money down the drain without accomplishing the purpose of making our country more secure or putting us in a better position in the world community. Almost everybody who wrote additional comments urged that the budget be balanced and outgo be confined to actual income of the Federal Government.

It is most gratifying to me to know that so large a number of my constituents are interested enough in national affairs to let me know their opinions. I feel that an active and well-informed electorate is our best guarantee of good government, and am pleased to insert in the CONGRESSIONAL RECORD the tabulation of the returned questionnaires and a sampling of the comments:

commies. They only have one idea in mind—world domination—and that's been going on since 1918. We have to meet them on their own ground. Tell them, 'Straighten up and fly right or armed intervention.' Laos, Cuba, Berlin, and other trouble spots—there's going to have to be a showdown with them sooner than later."

Federal aid to education: "I see no reason why the Government should either subsidize or loan money to students for college education. If they are deserving and desirous, they will manage to get such an education through their own efforts. * * * In Nebraska, the extensive school improvements that are being made all over the State belie any genuine need for outside aid."

Foreign economic aid: "You cannot buy friendship with American dollars. Let's stop this program, instead of throwing so much of it down the drain. * * * It should be obvious that foreign aid does not bring friends. We are despised by many nations we have helped. Continued giveaway programs will defeat this Nation without a shot being fired by an enemy. Cut foreign aid to the bone."

Foreign policy: "I believe it is time we placed our Government and our way of life first, and not second to the wishes of the United Nations. * * * I have a son in the Army. I don't want to see him get killed

in action, but I also don't want to see him a slave of the Communists. * * * It is time to take positive action against Castro. The foothold that communism has gained in Latin America must be stopped by * * * whatever action is necessary."

General: "If someone would muzzle Goldberg and keep him from beating down the economy so he can take credit for recovery, and let industry get a little confidence in the screwballs, we might get rolling again. Most of the trouble is lack of confidence in this administration, just like it was with Roosevelt in the thirties. He stabilized the depression. * * * I think the Government should stop all the giveaway programs and make an effort to get back on a sound basis. The people should support the Government and not the Government support the people, if we expect to keep our freedom. * * * The time is long overdue for the Federal Government to quit meddling in the affairs of the citizens of the United States."

Unions: "Since F.D.R. gave unions the green light, it may become necessary to give them the yellow or the red. * * * No; I belong to a labor union, but I also think to keep America free, we shouldn't be forced to join. * * * I do not believe a man should be forced to belong to a union to work; neither do I believe a man should receive the benefits won by a union, if he does not belong."

**Statement by Congresswoman Sullivan
for Hearings on Deceptive Packaging
and Labeling of Consumer Products,
Outlining Need for Comprehensive
Rewriting of Food, Drug, and Cosmetic
Act of 1938 as Proposed in H.R. 1235**

EXTENSION OF REMARKS

OF

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 3, 1961

Mrs. SULLIVAN. Mr. Speaker, because of the widespread interest in the hearings conducted by the Senate Judiciary Committee's Subcommittee on Antitrust and Monopoly on deceptive packaging and labeling of consumer products, I am submitting under unanimous consent, for inclusion in the CONGRESSIONAL RECORD, the statement I prepared for the subcommittee on this matter, and the bill, H.R. 1235, to which my testimony refers.

The material referred to follows:

STATEMENT PREPARED BY CONGRESSWOMAN LEONOR K. SULLIVAN, DEMOCRAT, OF MISSOURI, FOR SENATE JUDICIARY COMMITTEE'S ANTITRUST AND MONOPOLY SUBCOMMITTEE ON LABELING AND PACKAGING OF CONSUMER PRODUCTS

I want to begin my statement by expressing my thanks to Senator HART, of Michigan, for serving as chairman of these excellent and useful hearings on packaging and labeling practices affecting consumers. I feel these hearings represent one of the most effective instances of consumer education we have had in the Congress in many years.

Every shopper who has had to fight the battle of the best-buy dilemma in the stores and who has had the feeling that no one in Washington seemed to know or care

about the problem, at least knows at this point that we do care and are concerned. The question now arises, however: What do we do about it?

No purpose would be served by my going back over the ground you have already covered and discussing the myriad of confusing sizes confronting the consumer in trying to buy almost any packaged food or other packaged consumer product sold presumably by weight. Sugar, at least, still comes in 2- and 5-pound bags, and coffee in 1- and 2-pound bags or cans, and that's something to be thankful for. We can quickly compare price on these items, and on a few more.

But, as your previous witnesses have so ably pointed out, the careful shopper absolutely needs a slide rule and the knowledge of how to use it in order to divide fractions of ounces into "so many for so much" prices, if she is to estimate even roughly whether the large economy size is a better value than the smaller size. Often the answer is that it is not a better value—that the large size costs disproportionately more. And this answer always comes as a shock, as if the manufacturers and retailers, after spending years educating the consumer to believe the larger size is always more economical, are now cashing in on that induced belief by deliberately turning it against the consumer and cheating the purchaser. For that is exactly what the packaging rat race seems to represent.

**UTOPIA, OR DECENT CONSIDERATION FOR
THE CONSUMER?**

The solution—from the consumer's standpoint, certainly—would be a return to the traditional and recognizable weights and measures in net contents—pounds, half pounds, quarts, pints, etc., as in bread and milk and butter and flour and a number of other products. Despite what the manufacturers and merchandisers profess, I have yet to meet any consumer who really prefers a $1\frac{3}{4}$ pints size to a quart or a $7\frac{1}{2}$ ounces size to a half pound, and yet in many products that is what we are being offered, whether we know it or not.

And, just as you can compare the price of a half gallon of ice cream to the price for a quart, and the quart price to that for a pint, it would be wonderful if most other products came in double and triple or quadruple sizes, too, so that the consumer could readily estimate the degree of economy—or lack of it—in buying larger sizes.

Are we seeking utopia in asking that kind of consideration from the manufacturers and distributors? I don't think so. I think we are entitled to that kind of decency and consideration. Moreover, I think consumers should take a hand in this personally and ask for and insist upon standardized contents and show preference for products packaged in familiar quantity designations.

The Government, meanwhile, should move vigorously and effectively to enforce its newly upheld powers to crack down on deceptive packaging involving slack-filled containers holding an excessive amount of nothing.

**VIOLATIONS OF INTENT OF FOOD AND DRUG ACT
IN LABELING**

Serious as it is to the consumer in trying to make intelligent choices in the stores, I am not nearly as concerned over the lack of uniformity of sizes which makes quantity versus price comparisons so mathematically difficult as I am over the fact that on many items, you just can't read the net weight, and thus can't make any computations at all. Oh, it appears on the package all right if it is a food item—but just try to find it. To me, this is indefensible, and an outright violation of the spirit and intent and clear wording of the Food, Drug, and Cosmetic Act.

For instance, the law now says in section 403 that an article of food in packaged form

shall be considered misbranded, and therefore subject to seizure and removal from the market " * * * unless it bears a label containing (1) the name and place of business of the manufacturer, packer or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count"; and, in subsection (F), " * * * if any word, statement or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use."

Senator HART and members of the subcommittee, it seems to me that the intent of the law is indeed clear. But apparently the courts have varied in their interpretation of what constitutes sufficient conspicuousness of the information required on the label and, as a result, finding the information is often a case for an eagle-eyed proofreader rather than the ordinary individual under customary conditions of purchase and use.

There are going to be hearings by the FDA soon on the information to be required and how it must be displayed on labels of hazardous household substances under the law we passed on this subject last year. If we were to permit manufacturers to use the required warning words of "Danger" and "Caution" and "Causes burns" or "Keep out of the reach of children" in the same circumspect and hidden manner as some of them do now on labels giving contents and weights on food packages, the hazardous-products law would be of little use.

**SIMPLE AMENDMENT REQUIRED TO CLOSE LOOP-
HOLE**

Now is this something we can correct? I believe it is, and by a very simple amendment to the Food, Drug, and Cosmetic Act—one which adds a new sentence to the end of subsection (f) of section 403 as follows: "The Secretary (of Health, Education, and Welfare) may issue regulations which specify the kind, size, and location on the label or labeling of statements required by this section."

That is all that would be needed to bring the information on contents and weights out from behind the veil of tiny type in non-contrasting inks or pastel colors and let the consumer really read what the package is supposed to contain. This will not end the attempts at cheating in package sizes, but it will give the conscientious consumer who wants it at least a fighting chance to make a comparison. And perhaps then we can educate more consumers to read the labels and make the arithmetical computations; and if enough of us do that and get mad enough about the conspiracy of cruelty to the consumer represented by these fractionalized quantities we can do something about it—by refusing to buy products in packages made up deliberately to mislead us on size and weight.

The language I have just cited as necessary to strengthen the Food, Drug, and Cosmetic Act in regard to enforcement of the information requirements on food labels is a paragraph out of a 41-page bill which I introduced on January 3 of this year to completely rewrite whole sections of the Food, Drug, and Cosmetic Act and close a variety of loopholes, some of which have been in the act since it was passed originally in 1938.

SPECIAL INTEREST EXEMPTIONS

For instance, and just as a simple illustration of the special interest provisions which still permeate the law after all of these years, you may be surprised to learn that soap is not subject to regulation under the act as a cosmetic (although some special purpose

soaps might occasionally qualify as regulated drugs under certain circumstances). We use soap primarily to get clean and that, it seems to me, is a pretty fundamental cosmetic use. Moreover, if you believe the soap advertisements, you would also suspect that many soap products have magic qualities to make us beautiful besides. But, regardless of all that, soap is not a cosmetic under the 1938 act. It is certainly not a food. And it is usually not a drug. It is therefore, in most instances, a nothing under this act—it is by and large therefore not subject to labeling requirements of the act.

And if you think food packaging is confusing and misleading as to weight and size and contents, try—just try—to figure out the price per ounce or the comparative cost of two competing brands of soap in the stores.

We have always since 1938 had strict laws covering notice of presence of artificial coloring matter in foods and drugs. But not in ice cream, butter, or cheese. That special interest exemption, like soaps, has been in the act from the beginning.

SERIOUS HAZARDS TO HEALTH AND SAFETY

The illustrations I have just cited of loopholes in the act involve primarily economic considerations—being able to read the label information on size and weight of contents for purposes of comparative shopping. Much more important to the consumer, however, are the loopholes which jeopardize the health of the public.

For instance, we have a strong law now on the pretesting of chemicals used in or on foodstuffs to establish their safety before use. Last year, we passed a law requiring the pretesting for safety of all color additives, not just the coal-tar colors. Color—artificial color—is an important ingredient in most cosmetics. It is, however, the only ingredient in cosmetics which we require must be pretested for safety before marketing. Hence, we have never had an effective safe cosmetics law.

We have tried—consumers have tried—since 1938 to make the Food, Drug, and Cosmetic Act effective insofar as cosmetics are concerned—effective in preventing harmful beauty-aid products from reaching the market. But all we can do now—unless the culprit ingredient is an artificial color—is to wait until some or many consumers are hurt or burned or disfigured or caused great distress or serious illness by a new cosmetic product in order to take it off the market.

Illicit traffic in barbiturates and pep pills is a national danger and disgrace. Our laws for coping with this traffic are weak and inadequate. How many people must die in head-on collisions on the highways or commit suicide from sleeping pills before we really crack down on the widespread bootlegging of these dangerous drug items?

When section 507 of the Food, Drug, and Cosmetic Act was written some years ago to require certification of the antibiotic wonder drugs, we knew of only five of them. The law specifies that every batch of these five antibiotics or their derivatives must be certified as to potency and purity by the Food and Drug Administration. However, we now have a number of additional antibiotics. But unless they are made in combination with one of the five specified by name in the act, they do not have to be certified. Yet the certification tests from time to time have uncovered instances of improperly manufactured batches of antibiotics which would be either useless or fatal if used as prescribed by the physician.

Our factory inspection law is full of holes. Therapeutic devices are being marketed without proof of efficacy and—worse than that—without required pretesting for safety. New drugs must be proved safe before they are marketed but they don't have to be proved efficacious.

Because of the loopholes in factory inspection in the drug field, many doctors hesitate to prescribe by common or generic terms, fearing that unless they specify a brand name (which often costs far more) the patient may get a substandard product turned out by a fly-by-night manufacturer.

PIECEMEAL APPROACH TOO SLOW IN MAKING LAW EFFECTIVE

My purpose in listing some of the glaring loopholes and faults in the Food, Drug, and Cosmetic Act is twofold:

First, I am seeking, of course, to point out an effective course of action in correcting the situation involving deceptive or misleading or inadequate labeling information which you have been spotlighting in these hearings. I think one section of my bill, H.R. 1235, would go far toward solving that problem.

More than that, however, I want to point out that this is only one part of a vastly broader problem of protecting the consumer from a variety of practices and conditions in the marketplace affecting not only our pocketbooks but our health and our lives. Since they involve primarily inadequacies or loopholes in the Food, Drug, and Cosmetic Act, I think all of these problems should be solved legislatively in one big comprehensive package—in a consumer bill—instead of in the piecemeal fashion Congress has been following on consumer legislation since 1938.

For instance, in 1953 we closed partially one of the loopholes in the factory inspection law. In 1954 we passed a pesticides residue control bill. In 1957, we finally succeeded in establishing compulsory Federal inspection of poultry. In 1958 we passed the Food Additives Act. In 1960 we passed the Color Additives Act. Presumably, in that same pattern of a little bit at a time, we could get a safe cosmetics bill through next year, unless the situation as regards certification of antibiotic drugs or the factory inspection loopholes or fake cancer remedies or unsafe therapeutic devices or barbiturates and amphetamines or new drug sanctions or some other single issue should win priority in committee consideration. This is not to criticize either the House or Senate committees handling changes in the Food, Drug, and Cosmetic Act. They have performed notable service to the consumer in many ways.

H.R. 1235 SEEKS COMPREHENSIVE CHANGES IN STATUTE

It just seems to me we can no longer settle for the piecemeal approach. You have spotlighted the problem of deceptive packaging and misleading or inadequate labeling. And of course it is a serious problem to the consumer. It can be solved quite readily, I think, through simple amendments to the basic statute. All I am urging is that we keep in mind, in seeking a solution for this one problem, that with very little additional effort—assuming enough consumers can be aroused to the need—we can go on to make the Food, Drug, and Cosmetic Act the bastion of our health and the protector of the consumer it was intended to be when originally drawn and before the compromises had to be made to achieve passage in the atmosphere of 1938. We must make of this law the device Dr. Wiley intended it to be more than a half century ago when the original pure food law was passed in 1906.

I have prepared this statement in the hope that I can enlist the support of the Senators on this subcommittee, and of the witnesses who have appeared, and of all of the consumers who are interested in the facts you are bringing to light—enlist your support behind H.R. 1235, an omnibus bill I have introduced this year to meet some of the problems you have brought out in your hearings here as well as a great many other important problems affecting the consumer.

I would appreciate it if you would include the text of H.R. 1235 in the record of your hearings, as follows:

"[87th Cong., 1st sess.]

"H.R. 1235

"(In the House of Representatives, January 3, 1961, Mrs. SULLIVAN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce)

"A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to amend certain labeling provisions of the food, drug, and cosmetic chapters; prohibit worthless ingredients in special dietary foods; require adequate controls in drug manufacture; require new drugs to be shown efficacious and new therapeutic devices to be shown safe and efficacious before they are marketed commercially; make other improvements with respect to new drug control; require all antibiotics to be certified; provide adequate controls over the distribution of habit-forming barbiturates and stimulant drugs; require cosmetics to be shown safe before they are marketed commercially; clarify and strengthen existing inspection authority; make additional provisions of the Act applicable to carriers; provide for administrative subpoenas; and for other purposes

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the 'Food, Drug, and Cosmetic Amendments of 1961'.

"REQUIRED LABEL STATEMENTS

"SEC. 2. (a) Subsection (f) of section 403 of such Act is amended by adding at the end thereof the following sentence: 'The Secretary may issue regulations which specify the kind, size, and location on the label or labeling of statements required by this section.'

"(b) Subsection (c) of section 502 of such Act is amended by adding at the end thereof the following sentence: 'The Secretary may issue regulations which specify the kind, size, and location on the label or labeling of statements required by this section.'

"(c) Subsection (c) of section 602 of such Act is amended by adding at the end thereof the following sentence: 'The Secretary may issue regulations which specify the kind, size, and location on the label or labeling of statements required by this section.'

"(d) Subsection (e) (1) of section 701 of such Act is amended by changing '403(j)' to read '403 (f) or (j)'; changing '502 (d) or (h)' to read '502 (c), (d), or (h)'; inserting '602(c), between '504', and 'or 604'.

"(e) Subsection (k) of section 403 of such Act is amended by deleting the last sentence reading: 'The provisions of this paragraph and paragraphs (g) and (i) with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream.'

"WORTHLESS INGREDIENTS IN SPECIAL DIETARY FOODS

"SEC. 3. (a) Section 402 of such Act is amended by adding at the end thereof the following new subsection:

"'(f) If it purports to be or is represented for special dietary uses and it contains any substance whose usefulness for special dietary purposes has not been established in accordance with section 403(j) of this Act, except that binders, excipients, fillers, carriers, or coatings may be present.'

"(b) Subsection (i) of section 403 of such Act is amended by changing 'paragraph (g)' to read 'paragraph (g) or (j)'.
 "(c) Subsection (j) of section 403 of such Act is amended by changing the period at the end to a semicolon and adding: 'no substance whose usefulness for special dietary

purposes has not been established in accordance with this paragraph shall be mentioned on the label or in the labeling of such a food, except that binders, excipients, fillers, carriers, or coatings may be declared as such.'

"REQUIREMENT OF ADEQUATE CONTROLS IN DRUG MANUFACTURE"

"Sec. 4. Clause (2) of paragraph (a) of section 501 of such Act is amended to read as follows:

"(2) (A) If it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (B) if it is a drug and the methods used in, or the facilities or personnel or controls used for, the manufacture, processing, packing, or holding of such drug were inadequate (as determined in accordance with regulations promulgated by the Secretary) (1) to insure that its identity and strength do not differ from, and that its purity and quality do not fall below, those which such drug purports or is represented to possess, or (11) to insure that such drug will not be injurious to health when used in accordance with directions for use on its labeling, or when used in accordance with a prescription of a licensed practitioner (which prescription is consistent with the labeling of such drug), or (111) to insure that its labeling is not such as to cause such drug to be adulterated or misbranded:'

"PRETESTING OF NEW DRUGS AND THERAPEUTIC DEVICES FOR SAFETY AND EFFICACY"

"Sec. 5. (a) Section 201(p) of said Act is amended to read as follows:

"(p) The term 'new drug' means—
"(1) Any drug the composition of which is such that such drug is not generally recognized among experts qualified by scientific training and experience to evaluate the safety and efficacy of drugs as safe and efficacious for use under the conditions prescribed, recommended, or suggested in the labeling thereof, except that such a drug not so recognized shall not be deemed to be a 'new drug' if at any time prior to the enactment of this Act it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use; or

"(2) Any drug the composition of which is such that such drug, as a result of investigations to determine its safety and efficacy for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"(b) Section 201 of such Act is further amended by adding at the end thereof the following new subsection:

"(s) The term 'new device' means:
"(1) Any device the composition, construction, or properties of which are such that such device is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and efficacy of devices, as safe and efficacious for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or

"(2) Any device the composition, construction, or properties of which are such that such device, as a result of investigations to determine its safety and efficacy for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.'

"(c) Subsection (a) of section 505 of such Act (21 U.S.C. 355) is amended to read as follows:

"NEW DRUGS AND THERAPEUTIC DEVICES"

"Sec. 505. (a) No person shall introduce or deliver for introduction into interstate

commerce any new drug or new device, unless an application filed pursuant to subsection (b) is effective with respect to such drug or device.

"(b) Any person may file with the Secretary an application with respect to any drug or device subject to the provisions of subsection (a). Such persons shall submit to the Secretary as a part of the application (1) full reports of investigations which have been made to show whether or not such drug or device is safe and efficacious for use, the submission of full clinical records on each patient on whom the drug or device was tested may be required upon request of the Secretary; (2) a full list of the articles used as components of such drug or device; (3) in the case of a drug, a full statement of the composition of such drug, or, in the case of a device, a full statement of its composition, properties, and construction and the principle or principles of its operation; (4) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug or device; (5) such samples of such drug or device and of the articles used as components thereof as the Secretary may require; and (6) specimens of the labeling proposed to be used for such drug or device.

"(c) The Secretary, within ninety days after the filing of an application under this subsection, shall notify the applicant that the application is effective or shall give the applicant notice of opportunity for a hearing on the question whether to permit the application to become effective, except that prior to the ninetieth day after such filing the Secretary may notify the applicant in writing that the time for action by him has been extended to such time (not more than one hundred and eighty days after the date of filing the application) as the Secretary deems necessary to enable him to study and investigate the application.

"(d) If the Secretary finds, after due notice to the applicant and giving him an opportunity for a hearing, that (1) the investigations, reports of which are required to be submitted to the Secretary pursuant to subsection (b), do not include adequate tests by all methods reasonably applicable to show whether or not such drug or device is safe and efficacious for use under the conditions prescribed, recommended or suggested in the proposed labeling thereof; (2) the results of such tests show that such drug or device is unsafe or not efficacious for use under such conditions or do not show that such drug or device is safe and efficacious for use under such conditions; (3) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug or device are inadequate to preserve its identity, strength, quality, and purity; or (4) upon the basis of the information submitted to him as part of the application, or upon the basis of any other information before him with respect to such drug or device, he has insufficient information to determine whether such drug or device is safe and efficacious for use under conditions, he shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

"(e) The effectiveness of an application with respect to any drug or device shall, after due notice and opportunity for hearing to the applicant, by order of the Secretary be suspended if the Secretary finds that (1) for reasons set forth by him, there is reasonable doubt as to the safety or efficacy of the drug or device for use under the conditions prescribed, recommended or suggested in the labeling or proposed labeling thereof, or (2) the application contains any untrue statement of a material fact, or (3) that the applicant has failed to establish or maintain any required records, or to make any required report, in accordance with an applicable regulation or order under subsection

(j), or that the applicant or any person under his control has refused to permit access to, or copying or verification of, any such record as required by paragraph (2) of such subsection. The order shall state the findings upon which it is based.

"(f) An order refusing to permit an application with respect to any drug or device to become effective shall be revoked whenever the Secretary finds that the facts so require.

"(g) (1) An order of the Secretary after a hearing under this section shall be based upon a fair evaluation of the entire record at the hearing and shall include a statement setting forth in detail the findings and conclusions on which it is based.

"(2) Orders of the Secretary under this section shall be served (A) in person by any officer or employee of the Department designated by the Secretary or (B) by mailing the order by registered mail or certified mail addressed to the applicant or respondent at his last-known address in the records of the Secretary.

"(h) In case of denial or withdrawal of approval of an application under this section, the applicant may file in the United States court of appeals for the circuit in which such applicant resides or has his principal place of business, within sixty days after the serving of notice of such order, a written petition praying that the order of the Secretary be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court a transcript of the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm or set aside the order. The finding of the Secretary as to the facts shall be sustained if based upon a fair evaluation of the entire record at the hearing. If any person shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence to be taken before the Secretary and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings as to the facts and order by reason of the additional evidence so taken, and he shall file with the court such modified findings and order. The court, on judicial review, shall not sustain the order of the Secretary if he failed to comply with any requirement imposed on him by subsection (g) (1). The judgment and decree of the court affirming or setting aside any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court to the contrary, operate as a stay of the Secretary's order.

"(i) The Secretary shall promulgate regulations for exempting from the operation of the foregoing subsections of this section drugs or devices intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and efficacy of drugs or devices. Such regulations may provide for conditioning such exemptions upon the establishment and maintenance of such records, and the making of such reports to the Secretary, of data obtained as the result of such investigational use of such drugs or devices, as the Secretary finds will enable him to evalu-

ate the safety of such drugs or devices in the event of the filing of an application pursuant to subsection (b).

"(j) (1) Every person engaged in manufacturing, compounding, or processing any new drug or new device with respect to which an application filed pursuant to this section is effective shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such person with respect to such drug or device as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or to facilitate a determination, whether there is or may be ground for invoking subsection (e) of this section. Regulations under this paragraph shall exempt from the requirement of such recordkeeping or reporting, or both, except to the extent that the Secretary finds such exemption to be inconsistent with the purposes of this paragraph, retail pharmacies, hospitals, clinics, public health agencies, and licensed practitioners who prepare or compound such drugs or dispense or use such devices solely in the regular course of their business, operation, or profession as such.

"(2) Every person required under this section to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records."

"(d) Paragraph (e) of section 301 of such Act is amended to read as follows:

"(e) The refusal to permit access to or copying of any record as required by section 703; or the failure to establish or maintain any record, or make any report, required under section 505(j), or the refusal to permit access to, verification, or copying of any such required record."

"(e) Subsection (a) of section 302 of such Act, as amended by section 2 of this Act, is further amended by striking out '(e)'."

"(f) Subsection (d) of section 502 of such Act is amended to read as follows:

"(d) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulfonmethane; or any chemical derivative of such substance, as well as any new drug, which derivative or new drug has been by the Secretary, after investigation, found to be, and by regulations designated as, habit forming; unless its label bears the name, and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement 'Warning—May be habit forming.'"

"CERTIFICATION OF ALL ANTIBIOTICS"

"Sec. 6. (a) The first sentence of subsection (a) of section 507 of such Act is amended to read as follows: 'The Secretary of Health, Education, and Welfare, pursuant to regulations promulgated by him, shall provide for the certification of batches of drugs composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin or any derivative thereof, or composed wholly or partly of any other kind of antibiotic substance.'

"(b) Section 507 of such Act is further amended by adding at the end thereof the following new subsection:

"(g) For the purpose of this section and of section 502(1), the term 'antibiotic substance' means a chemical substance produced by a living micro-organism and capable of destroying or inhibiting the growth of another micro-organism in high dilution, or the synthetic equivalent thereof."

"(c) Paragraph (1) of section 502 of such Act is amended to read as follows:

"(1) If it is, or purports to be, or is represented as a drug composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative thereof, or a drug composed wholly or partly of any other kind of antibiotic substance (as such term is defined in section 507(g)), unless (1) it is from a batch with respect to which a certificate or release has been issued pursuant to section 507, and (2) such certificate or release is in effect with respect to such drug: *Provided*, That this paragraph shall not apply to any drug or class of drugs exempted by regulations promulgated under section 507 (c) or (d)."

"BARBITURATES AND HABIT-FORMING STIMULANT DRUGS"

"Sec. 7. (a) The Congress hereby finds and declares that there is a widespread illicit traffic in barbiturates and in amphetamines and other habit-forming central nervous system stimulant drugs moving in or otherwise affecting interstate commerce; that the use of such drugs, when not under the supervision of a licensed practitioner, often endangers safety on the highway and otherwise has become a threat to the public health and safety, making additional regulation of such drugs necessary regardless of the intrastate or interstate origin of such drugs; that in order to make regulation and protection of interstate commerce in such drugs effective, regulation of intrastate commerce is also necessary because, among other things, such drugs, when held for illicit sale, often do not bear labeling showing their place of origin and because in the form in which they are so held or in which they are consumed a determination of their place of origin is often extremely difficult or impossible; and that the regulation of interstate commerce without the regulation of intrastate commerce in such drugs, as provided in this Act, would discriminate against and depress interstate commerce."

"(b) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof a new section as follows:

"BARBITURATES AND HABIT-FORMING STIMULANT DRUGS"

"Sec. 508. (a) As used in this section—

"(1) the term 'barbiturate' means any drug which contains any quantity of (A) barbituric acid or any of the salts of barbituric acid; or (B) any derivative of barbituric acid, which derivative has been designated by the Secretary under section 502(d) as habit forming; and

"(2) the term 'habit-forming stimulant drug' means a drug which contains any quantity of (A) amphetamine or any of its optical isomers; or (B) any salt of amphetamine, or any salt of an optical isomer of amphetamine; or (C) any substance which the Secretary, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system."

"(b) No person shall manufacture, compound, or process any barbiturate or any habit-forming stimulant drug, except the following persons:

"(1) Manufacturers, compounders, and processors who have listed their names and places of business with the Secretary and who are regularly engaged in preparing pharmaceutical chemicals or prescription drugs for distribution through branch outlets, through wholesale druggists, or by direct shipment, (A) to retail pharmacies or to hospitals, clinics, public health agencies, or physicians, for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of practitioners licensed by law to administer such drugs in the course of their professional practice, or (B) to laboratories or research or educa-

tional institutions for any use described in paragraph (5).

"(2) Branch outlets established by listed manufacturers, compounders, or processors described in paragraph (1), and wholesale druggists who maintain establishments in conformance with local laws and are regularly engaged in supplying prescription drugs (A) to retail pharmacies, or to hospitals, clinics, public health agencies, or physicians, for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of practitioners licensed by law to administer such drugs in the course of their professional practice, or (B) to laboratories or research or educational institutions for any use described in paragraph (5).

"(3) Retail pharmacies, hospitals, clinics, and public health agencies, which maintain establishments, in conformance with local laws regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs, upon prescriptions of practitioners licensed to administer such drugs, for patients under the care of such practitioners in the course of their professional practice."

"(4) Practitioners licensed by law to prescribe or administer barbiturates or habit-forming stimulant drugs, who have such drugs in their possession for use in the course of their professional practice."

"(5) Persons who possess barbiturates or habit-forming stimulant drugs for use in research, teaching, or chemical analysis and not for sale."

"(6) Officers and employees of Federal, State, territorial, or local governments, whose possession of such drugs is in the course of their official duties."

"(7) An employee of any person described in paragraph (1) through paragraph (6), and a nurse or other medical technician under the supervision of a practitioner licensed by law to administer such drugs, having possession of such drugs by reason of his employment or occupation and not on his own account."

"(c) No person shall possess any barbiturate or any habit-forming stimulant drug, except (1) a person described in subsection (b), or (2) a person to whom such drug in his possession has been dispensed, or for whom it has been prescribed in conformance with section 503(b), by a practitioner licensed by law to prescribe and administer such drugs in the course of such practitioner's professional practice, or (3) a carrier or warehouseman whose possession of such drug is in the usual course of his business as such."

"(d) No person shall sell, deliver, or otherwise dispose of any barbiturate or any habit-forming stimulant drug to a person not authorized by subsection (c) to possess such drugs."

"(e) (1) Every person engaged in manufacturing, compounding, processing, selling, delivering, or otherwise disposing of any barbiturate or any habit-forming stimulant drug shall, upon the effective date of this section, prepare a complete and accurate record of all stocks of each such drug on hand and shall keep such record for three years. On and after the effective date of this section, every such person manufacturing, compounding, or processing any barbiturate or any habit-forming stimulant drug shall prepare and keep, for not less than three years, a complete and accurate record of the kind and quantity of each such drug manufactured, compounded, or processed and the date of such manufacture, compounding, or processing; and every such person selling, delivering, or otherwise disposing of any barbiturate or any habit-forming stimulant drug shall prepare or obtain, and keep for not less than three years, a complete and accurate record of the kind and quantity of each drug received, sold, delivered, or otherwise disposed of, the name and address of the

person from whom it was received and to whom it was sold, delivered, or otherwise disposed of, and the date of such transaction.

"(2) Every person required by paragraph (1) of this subsection to prepare or obtain, and keep, records, and any carrier maintaining records with respect to any shipment containing barbiturates or habit-forming stimulant drugs, and every person in charge or custody of such records, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at reasonable times to have access to and copy such records. For the purposes of verification of such records and of enforcement of this section, officers or employees designated by the Secretary are authorized, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, to enter, at reasonable times, any factory, warehouse, establishment, or vehicle in which barbiturates or habit-forming stimulant drugs are held, manufactured, compounded, processed, sold, delivered, or otherwise disposed of, and to inspect, within reasonable limits and in a reasonable manner such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished material, containers, and labeling therein, and to inventory any stock of such drugs therein, and obtain samples of such drugs. If a sample is thus obtained, the officer or employee making the inspection shall, upon completion of the inspection and before leaving the premises, give to the owner, operator, or agent in charge a receipt describing the sample obtained.

"(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply to a licensed practitioner described in subsection (b)(4) with respect to drugs received, prepared, possessed, administered, or dispensed by him in the course of his professional practice.

"(f) The Secretary may by regulation exempt any barbiturate or any habit-forming stimulant drug from the application of all or part of this section when he finds that regulation of its manufacture, compounding, processing, possession, and disposition, as provided in this section or in such part thereof, is not necessary for the protection of the public health."

"(c) Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end thereof the following:

"(o) (1) The manufacture, compounding, or processing of a drug in violation of section 508(b); (2) the possession of a drug in violation of section 508(c); (3) the sale, delivery, or other disposition of a drug in violation of section 508(d); (4) (A) the failure to prepare or obtain, or the failure to keep, a complete and accurate record with respect to any drug as required by section 508(e), or (B) the refusal to permit access to or copying of any record as required by section 508(e); or (5) the refusal to permit entry or inspection as authorized by section 508(e)."

"(d) The first sentence of section 304(a) of such Act (21 U.S.C. 334(a)), is amended by inserting before 'Provided, however', the following: 'and any drug which is a barbiturate or a habit-forming stimulant drug within the meaning of section 508 and which has been manufactured, compounded, processed, possessed, sold, delivered, or disposed of in violation of section 508 shall be liable to be proceeded against at any time on libel of information and condemned in any United States district court within the jurisdiction of which the article is found'.

"(e) Nothing in this Act shall be construed as authorizing the manufacture, compounding, processing, possession, sale, delivery, or other disposal of any drug in any State or territory in contravention of the laws of such State or territory.

"FAKE CANCER REMEDIES"

"SEC. 8. (a) Section 301(d) of the Federal Food, Drug, and Cosmetic Act is amended by striking '404 or 505' at the end of the subsection and substituting therefor '404, 505, or 509'.

"(b) Section 301(1) of such Act is amended by striking the period at the end thereof and adding the following: ', or that such drug has been approved by the Secretary under section 509.'"

"(c) Section 304(a) of such Act is amended by striking from the first sentence '404 or 505' and substituting therefor '404, 505, or 509'.

"(d) Chapter V of such Act is amended by adding at the end thereof the following new section:

"DRUGS AND DEVICES INTENDED FOR THE PREVENTION OR TREATMENT OF CANCER"

"SEC. 509. (a) No person shall introduce or deliver for introduction into interstate commerce any drug or device intended for any use in the prevention, cure, mitigation, or treatment of cancer in man unless (1) he shall have submitted to the Secretary, (A) a full statement of the composition of the drug or construction and properties of the device, and a full description of the components, methods, facilities and controls used in its production, (B) scientific evidence, including the results of all animal studies and clinical tests, showing that the article has value for such use or that there is a reasonable possibility that the article has value for such use, and (C) such samples of the article as the Secretary may require for such scientific study as in his judgment should be made to evaluate the information submitted pursuant to this paragraph; (2) he shall have a valid approval issued by the Secretary under the provisions of subsection (b); and (3) he shall have limited his distribution as required by any conditions and restrictions imposed under the provisions of subsection (c) or (d).

"(b) The Secretary shall study the information obtained pursuant to subsection (a), and may consult in respect thereto experts qualified by scientific training and experience to evaluate such information. The Secretary shall then decide whether the article has value for use in the prevention, cure, mitigation, or treatment of cancer in man, or whether there is a reasonable possibility that the article has value for such use. The Secretary shall promptly notify the person concerned whether or not he approves the article for distribution.

"(c) When the decision of the Secretary is that there is a reasonable possibility that an article has value for such use, his approval shall be limited to use of the article solely in a reasonable program of investigation by experts qualified by scientific training and experience to determine the value of the article in the prevention, cure, mitigation, or treatment of cancer in man. The Secretary shall include in his approval such conditions and restrictions as in his judgment are necessary to confine the use of the article within the limits of such a program. The Secretary shall revoke his approval, or modify such conditions and restrictions, when in his judgment developments under the program require. When such program is completed the person concerned may submit to the Secretary the results thereof, as provided by subsection (a).

"(d) When the decision of the Secretary is that an article has value for use in the prevention, cure, mitigation, or treatment of cancer in man, the Secretary shall include in his approval such conditions and restrictions as in his judgment are necessary for the protection of the public health. The Secretary shall modify or withdraw such conditions and restrictions if, in his judgment, clinical experience justifies such action. The Secretary shall revoke his ap-

proval issued under subsection (b) if (1) he finds, after reasonable notice and opportunity for hearing to the person concerned, that the approval was obtained through any untrue statement of a material fact; or (2) clinical experience reveals that the article has no value in the prevention, cure, mitigation, or treatment of cancer in man.

"(e) This section shall not apply to X-ray equipment, surgical instruments, radium, and radioactive isotopes in the forms in which they are generally recognized, upon the effective date of this section, to be of value for use in the prevention, cure, mitigation, or treatment of cancer in man."

"PRETESTING COSMETICS"

"SEC. 9. (a) The following new section is added at the end of chapter VI of such Act:

"PRETESTING COSMETICS"

"SEC. 604. (a) No person shall introduce or deliver for introduction into interstate commerce any cosmetic—

"(1) the composition of which is such that such cosmetic is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of cosmetics, as having been adequately shown to be safe for its intended use and other uses reasonably to be anticipated, or

"(2) the composition of which is such that such cosmetic, as a result of investigations to determine its safety for such a use, has become so recognized, but which has not, otherwise than in such investigations, been so used to a material extent or for a material time,

unless an application filed pursuant to subsection (b) is effective with respect to such cosmetic.

"(b) Any person may file with the Secretary an application with respect to any cosmetic subject to the provisions of subsection (a). Such persons shall submit to the Secretary as a part of the application (1) full reports of investigations which have been made to show whether or not such cosmetic is safe for use; (2) a full list of the articles used as components of such cosmetic; (3) a full statement of the composition of such cosmetic; (4) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such cosmetic; (5) such samples of such cosmetic and of the articles used as components thereof as the Secretary may require; and (6) specimens of the labeling proposed to be used for such cosmetic.

"(c) The Secretary, within ninety days after the filing of an application under this subsection, shall notify the applicant that the application is effective or shall give the applicant notice of opportunity for a hearing on the question whether to permit the application to become effective, except that prior to the ninetieth day after such filing the Secretary may notify the applicant in writing that the time for action by him has been extended to such time (not more than one hundred and eighty days after the date of filing the application) as the Secretary deems necessary to enable him to study and investigate the application.

"(d) (1) If the Secretary finds, after due notice to the applicant and giving him an opportunity for a hearing, that (A) the investigations, reports of which are required to be submitted to the Secretary pursuant to subsection (b), do not include adequate tests by all methods reasonably applicable to show whether or not such cosmetic is safe for its intended use and other uses reasonably to be anticipated; (B) the results of such tests show that such cosmetic is unsafe for any such use or do not show that such cosmetic is safe for such uses; (C) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such cosmetic are in-

adequate to preserve its identity, strength, quality, and purity; or (D) upon the basis of the information submitted to him as part of the application, or upon the basis of any other information before him with respect to such cosmetic, he has insufficient information to determine whether such cosmetic is safe for its intended use and other uses reasonably to be anticipated, he shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

"(2) A cosmetic shall be deemed unsafe and an application with respect to it may not become effective—

"(A) if its intended use or any use which can reasonably be anticipated will or may result in ingestion of all or part of such cosmetic and (i) the cosmetic is found by the Secretary to induce cancer when ingested by man or animal or (ii) it is found by the Secretary, after tests which are appropriate for the evaluation of safety of cosmetics, to induce cancer in man or animal, or

"(B) if its intended use or any use which can reasonably be anticipated will not result in ingestion of any part of such cosmetic and, after tests which are appropriate for the evaluation of the safety of cosmetics for any such use, or after other relevant exposure of man or animal to such cosmetic, it is found by the Secretary to induce cancer in man or animal.

"(3) An application with respect to a cosmetic may not become effective if the data before the Secretary show that its intended use or any use which can reasonably be anticipated would promote deception of the consumer in violation of this Act or would otherwise result in misbranding or adulteration within the meaning of this Act.

"(e) The effectiveness of an application with respect to any cosmetic shall, after due notice and opportunity for hearing to the applicant, by order of the Secretary be suspended if the Secretary finds that (1) for reasons set forth by him, there is reasonable doubt as to the safety of the cosmetic for its intended use or any other use reasonably to be anticipated, or (2) the application contains any untrue statement of a material fact.

"(f) An order refusing to permit an application with respect to any cosmetic to become effective shall be revoked whenever the Secretary finds that the facts so require.

"(g) (1) An order of the Secretary after a hearing under this section shall be based upon a fair evaluation of the entire record at the hearing and shall include a statement setting forth in detail the findings and conclusions on which it is based.

"(2) Orders of the Secretary under this section shall be served (A) in person by any officer or employee of the Department designated by the Secretary or (B) by mailing the order by registered mail or certified mail addressed to the applicant or respondent at his last-known address in the records of the Secretary.

"(h) In case of denial or withdrawal of approval of an application under this section, the applicant may file in the United States court of appeals for the circuit in which such applicant resides or has his principal place of business, within sixty days after serving of notice of such order, a written petition praying that the order of the Secretary be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court a transcript of the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm or set aside the order.

The finding of the Secretary as to the facts shall be sustained if based upon a fair evaluation of the entire record at the hearing. If any person shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence to be taken before the Secretary and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings as to the facts and order by reason of the additional evidence so taken, and he shall file with the court such modified findings and order. The court, on judicial review, shall not sustain the order of the Secretary if he failed to comply with any requirement imposed on him by subsection (g) (1). The judgment and decree of the court affirming or setting aside any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court to the contrary, operate as a stay of the Secretary's order.

"(1) The Secretary shall promulgate regulations for exempting from the operation of this section cosmetics intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of cosmetics."

"(b) Section 201(1) (2) of such Act is amended by changing the semicolon to a period and deleting the words 'except that such term shall not include soap.'

"(c) Section 301 of such Act is amended—
"(1) by striking out in paragraph (d) thereof '404 or 505' and inserting in lieu thereof '404, 505, or 604'.

"(2) by inserting '604,' in paragraph (j) after '507'.

"(3) by adding at the end thereof the following new paragraph:

"(p) The using, on the labeling of any cosmetic or in any advertising relating to such cosmetic, of any representation or suggestion that an application with respect to such cosmetic is effective under section 604, or that such cosmetic complies with the provisions of such section."

"(d) Section 304 of such Act is amended—

"(1) by striking out in subsection (a) thereof '404 or 505' and inserting in lieu thereof '404, 505, or 604'.

"(2) by striking out in subsection (d) thereof '404 or 505' and inserting in lieu thereof '404, 505, or 604'.

"(e) Section 601 of such Act is amended—

"(1) by changing the semicolon after the word 'usual' in subsection (a) to a period, and deleting the remainder of the subsection.

"(2) by changing subsection (e) to read as follows:

"(e) If it is, or it bears or contains, a color additive which is unsafe within the meaning of section 706(a)."

"(3) by adding at the end thereof the following new subsection:

"(f) If it is a cosmetic to which the provisions of section 604 apply but with respect to which an application is not effective under such section."

"(f) Section 602 of such Act is amended by adding the following subsection:

"(e) Unless its labeling bears (1) the common or usual name of the cosmetic chemicals, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient: *Provided*, That to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, or results in deception or unfair competition, or is not in

the best interest of the consumer, exemptions shall be established by regulations promulgated by the Secretary."

"ADMINISTRATIVE SUBPENA POWER"

"SEC. 10. (a) Section 301 of such Act is further amended by adding a new subsection as follows:

"(q) The refusal to attend and testify or to produce documents in obedience to a subpoena authorized by section 701(c) as amended."

"(b) Subsection (a) of section 302 of such Act, as amended, is amended by striking 'and' before '(j)' at the end of such subsection, changing the period to a comma, and adding 'and (q)'."

"(c) Subsection (c) of section 701 of such Act, as amended, is amended by inserting '(1)' after '(c)' and adding at the end of such subsection the following:

"(2) So far as may be necessary for the purposes of any such hearings, the Secretary or such officer or employee as he may designate for the purpose is empowered to sign and issue subpoenas compelling the attendance and testimony of witnesses, and requiring the production of any books, papers, or other documents which he deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such documents may be required from any place in the United States or any territory, District, or possession thereof at any designated place of hearing.

"(3) In case of contumacy by, or refusal to obey a subpoena issued to any person, the Secretary may invoke the aid of any district court of the United States within the jurisdiction of which such hearing is carried on, or where such person is found or resides or carries on business, to require the attendance and testimony of witnesses and the production of books, papers, and other documents. Any such court may issue an order requiring such person to appear before the Secretary or officer or employee designated by the Secretary there to produce documents, if so ordered, or to give testimony touching the matter upon which the hearing is being held; and any failure to obey such order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found."

"SEC. 11. Section 703 of such Act is amended by deleting the second proviso which reads: 'Provided further, That carriers shall not be subject to the other provisions of this Act by reason of their receipt, carriage, holding, or delivery of food, drugs, devices, or cosmetics in the usual course of business as carriers.'

"FACTORY INSPECTION"

"SEC. 12. (a) The first sentence of subsection (a) of section 704 of the Federal Food, Drug, and Cosmetic Act is amended to read as follows: 'For purposes of enforcement of this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce or are held after such introduction, or to enter any consulting laboratory, or to enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in interstate commerce; and (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, consulting laboratory, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein, and all records, files, papers, processes, controls, facilities, and things therein

bearing on whether articles which are adulterated or misbranded within the meaning of this Act, or which may not be manufactured, introduced into interstate commerce, or sold or offered for sale by reason of any provision of this Act, have been or are being manufactured, processed, packed, transported, or held in any such place."

"(b) Subsection (b) of section 704 of such Act is amended to read as follows:

"(b) Upon completion of any such inspection of a factory, warehouse, consulting laboratory, or other establishment, and prior to leaving the premises, the officer or employee making the inspection shall give to the owner, operator, or agent in charge a report in writing setting forth any conditions or practices observed by him which, in his judgment, indicate that any food, drug, device, or cosmetic in such establishment (1) consists in whole or in part of any filthy, putrid, or decomposed substance, or (2) has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health, or (3), in the case of drugs, has been or is being manufactured, processed, packed, or held under conditions which may cause such drug to be adulterated within the meaning of section 501(a)(2)(B) of this Act."

"(c) Section 704 of such Act is further amended by adding at the end thereof the following new subsection:

"(e) As used in this section, the term 'consulting laboratory' means a laboratory which, for a fee or other remuneration, performs assays or other laboratory services for a manufacturer, processor, or compounder of drugs, if such manufacturer, processor, or compounder owns or has under his control an establishment which (other than as a consulting laboratory) is subject to inspection under this section."

"(d) Subsection (a) of section 302 of such Act is amended by striking out '(f)'."

"INSPECTION OF FOREIGN MANUFACTURERS"

"SEC. 13. The second sentence of subsection (a) of section 801 of such Act is amended to read as follows: 'If it appears from the examination of such samples or otherwise that (1) such article has been manufactured, processed, or packed under insanitary conditions, or (2) such article is forbidden or restricted in sale in the country in which it was produced or from which it was exported, (3) such article is adulterated, misbranded, or in violation of section 505, or (4) such article has been manufactured, processed, packed, or held in any factory, warehouse or establishment that refuses to allow reasonable inspection upon request of an officer or employee duly designated by the Secretary of the Department of Health, Education, and Welfare, then such article shall be refused admission, except as provided in subsection (b) of this section.'

"SEC. 14. (a) The first section of the Act of August 1, 1947, Public Law 313, Eightieth Congress, as amended, is amended as follows:

"The Secretary of the Department of Health, Education, and Welfare is authorized to establish and fix compensation for ten additional scientific or professional positions in the Food and Drug Administration, each such position being established to effectuate those research and development functions of such agency which require the services of specially qualified personnel."

"(b) Section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105), is amended by adding the following new subsection at the end thereof:

"The Secretary of the Department of Health, Education, and Welfare is authorized, subject to the procedures prescribed by this section, to place for the Food and Drug Administration, one additional position in grade GS-18, two additional positions in

grade GS-17, and seven additional positions at GS-16, all of which shall be of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b)."

"EFFECTIVE DATES"

"SEC. 15. The amendments made by sections 4, 10, 11, 12, 13, and 14 of this Act shall take effect on the date of enactment of this Act; the amendments made by sections 2, 3, 6, 7, and 8 of this Act shall take effect on the one hundred and eightieth day after enactment of this Act; the amendments made by sections 5 and 9 shall take effect on the three hundred and sixtieth day after enactment of this Act."

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 3, 1961

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of July 1, 1961:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

JULY 1, 1961.—The case for the Dallas Federal Building was my subject in a special order on the floor of the House. As reported earlier (see newsletter of June 17, 1961), this action was a responsibility forced upon me as I saw it, by a political party line vote rejecting authorization of the building, after approval and reapproval over a 5-year period. My presentation in the name of the 1 million people of the Fifth District, and the several million served by Dallas Federal courts and officers, stressed the merits of the building: (1) Convenience and efficiency—a centralized location of 17 widely scattered agencies and Federal courts will better serve those needing and seeking Federal help, and improve the convenience, efficiency, and comfort of Federal personnel; (2) economy—rental savings of \$990,000 per year, plus \$870,000 refurbishing of the present building at 1114 Commerce, anyway, and a cost annually of \$2.35 per square foot compared to approximately \$5 Dallas going rate, if leased; (3) good government—this point is the most important and had better be clearly understood by every citizen, particularly the rank and file of our people whose main contact with the Government is paying taxes. This issue, like many, can be simply stated or complicated and distorted out of all understandable shape, even by the well meaning.

The issue at stake: Do we have government based on fact and merit or do we have "power politics," the rewarding or punishing of districts and individuals, and their political leaders making deals outside the normal legislative process. Note at this point the concern of certain Dallas leaders, whomever they may be, that my speaking out and calling attention to the merits of the building and its political rejection, might jeopardize the attainment of the building and/or alienate certain political leaders. Realize, too, then, the capitulation of these people to power politics, rather than representative government (the Republic within a democracy). Imagine some being so cowed by and fearful of the power of political leaders that they would prefer to agree to deals, to wait until "the building is given to us."

On the other hand, where are those who believe that Federal buildings are studied and approved by legislative process of Congress and the administration on the basis of fact and merit? I choose to believe that I represent far more of the latter than the former. For my part, so long as I am the Member of Congress representing the Fifth District, I shall vote on the basis of merit. There will be no deals outside the normal legislative process, and no fear, intimidation, or reprisals. So long as most Dallas citizens believe this, so long will I be willing to represent the Fifth District, and no power on earth will intimidate me, coerce me, or cause me to change position apart from the merit of the proposal. By doing this I can protect the workingman from a dictatorial labor boss, I can protect the voiceless thousands from the selfishness or greed of misguided businessmen and business interests, and, most of all, I can protect and preserve our constitutional Government, which alone assures our personal freedom, dignity, and opportunity.

The Department of Defense appropriations bill, 1962, involved a 43-page bill, a 73-page report, and 6 volumes of printed documentary testimony before the Appropriations Committee. The total cost of this national defense bill is \$42,942 million (\$43 billion), which is \$2,427 million more than last year and approximately \$6 million less than requested in the budget. Understandable breakdowns in two ways:

First, by function: Personnel, \$12,050 million; operation and maintenance, \$10,937 million; procurement, \$14,881 million; and research, development, test and evaluation, \$4,842 million.

Second, by organization: Army, \$10,359 million; Navy, \$13,458 million; Air Force, \$17,583 million; Office of Secretary of Defense, \$1,310 million. These sums give the United States the strongest balanced military force in the world. We are warned that our capability in limited war must be brought up to the excellence of our all-out nuclear power. The shift gradually from aircraft to missiles is being accomplished. At the same time that we improve our nuclear missiles we are developing an ever more sensitive and accurate BMEWS (ballistic missile early warning system). Our emphasis is still on massive retaliation as the deterrent of general war. At the same time we are better prepared than ever for so-called limited warfare by flexible, and highly mobile forces.

As I see it, the dangers facing us are not in the excellence of our military arms and personnel—that is, in our weapons and capability, but in our planning and execution, in other words, our leaders. The success of military ventures rests now—after appropriating the money—on our leaders, our President, the Commander in Chief, the Joint Chiefs of Staff, and other military leaders, our Intelligence Department leaders, and of course, those who can keep us out of war in the first place, the Secretary of State and those in positions of responsibility in the State Department. The policy laid down by the President must be firm with no appeasement—firm, tough, self-interest, clearly stated and easily understood by friend and foe alike who respect only strength and firm action. Any weakness on our part or appeasement in Berlin, Laos, Asia, Europe, Cuba, South America, or elsewhere, will advance the encroachment of the Communists on us and the free world, thus increasing the danger of war which we have unintentionally invited. We must draw a line now at which we are prepared to fight and stick to it with no further thought of compromise or appeasement in any manner. It should be our continued hope and prayer that the President recognizes this even when his advisers don't.